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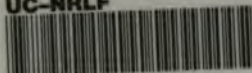
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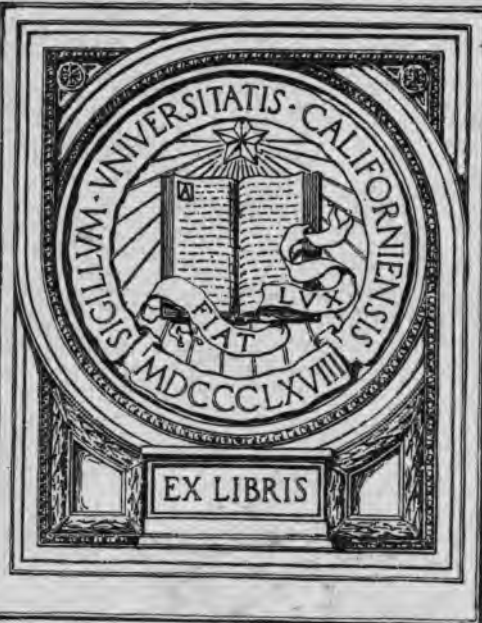
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LAWS OF NEW HAMPSHIRE

RELATING TO

PUBLIC SCHOOLS

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# LAWS RELATING TO PUBLIC SCHOOLS AND CHILDREN.

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## I.

### SCHOOL MONEY—LOCAL.

Required by law. The selectmen in each town shall P. S. 88:1, as  
assess annually upon the polls and amended by 48,  
ratable estate taxable therein, a sum laws 1905.  
to be computed at the rate of seven  
hundred and fifty dollars for every  
dollar of the public taxes appòrtioned  
to such town, and so for a greater or  
less sum.

[For the public tax appòrtioned to your  
town for years 1914 and 1915, see Laws of  
1913, also blanks for annual report to de-  
partment of public instruction. Multiply ap-  
portionment for your town by 750, and the  
result will be money required by law.]

Money for text-  
books and sup-  
plies, high school  
tuition, flags and  
other statutory re-  
quirements,—  
how raised.

The school board of each district in P. S. 88:2, as  
their annual report shall state in de- changed by  
tail the sums of money which will be 52, laws 1909.  
required during the ensuing fiscal year /  
for the purchase of text-books, scholars'  
supplies, flags and appurtenances, and  
for the payment of the tuition of the  
scholars of the district in high schools  
and academies in accordance with chap-  
ter 96 of the Laws of 1901, and for the  
payment of all other statutory obliga-  
tions of the district. The selectmen of  
the town, in their next annual assessment,

SCHOOL LAWS.

shall assess upon the taxable polls and property of the district a sum sufficient to meet the obligations above enumerated and when collected shall pay the same over to the district treasurer.

School money may be used for what. The sums so raised shall be appropriated to the sole purpose of maintain- P. S. 88:3.

ing public schools within the town [district] for teaching reading, writing, English grammar, arithmetic, geography, and such other branches as are adapted to the advancement of the schools, including the purchase of fuel and other supplies, the making of occasional repairs upon schoolhouses, appurtenances, and furniture, and the conveyance of scholars to and from school as provided by law.

[Occasional repairs are those involving a small outlay, not more than five per cent. of the total school money. For repairs which amount to remodeling, special appropriations should be made. For conveyance of pupils not more than 25 per cent. of all school moneys may be used.]

Assignment to districts.

The selectmen shall assign to each district a proportion of such money, according to the valuation of the district for the year, or in such other manner as the town, at the annual meeting, shall direct, and shall pay over the same to the school board of the district. P. S. 88:4.

[In most cases there is but one district in a town. The selectmen therefore will pay over the entire school assessment to the district treasurer to be paid out on the order of the school board.]

When a guardian and ward reside in the same town, the selectmen shall assign the tax assessed upon the ward's personal property to the school district P. S. 88:5.

in which the ward lives and has his home.

Penalty for neglect of selectmen to assess, etc.

If the selectmen neglect to assess, P. S. 88:6. assign, or pay over the school money as aforesaid, they shall pay for each neglect a sum equal to that so neglected to be assessed, assigned, or paid over, to be recovered by action of debt, in the name and for the use of the district by the school board.

Penalty for illegal use or neglect to use on part of school board.

If the money so assigned and paid P. S. 88:7. over to the school board of any district is not expended by them according to law, they shall be fined not exceeding twice the sum so unexpended, or not legally expended, for the use of the district.

[The school money must not only be legally expended, but it must be *all* legally expended in the maintenance of schools during the school year for which it was appropriated. *School money cannot lawfully be laid up.*]

The district may raise money additional to that required by law.

Any district may raise money for the support of schools in addition to the sum required by law, which shall be assessed, collected and paid over to the district as other school taxes; and all money for the support of public schools, except that provided by section 1 of this chapter, and all moneys for the building, repair or alteration of schoolhouses, for the improvement of school grounds, and for any other purpose connected with the administration, support, equipment and improvement of the public schools, excepting purposes already provided for by statute, shall be raised only in a lawful meeting of the district. P. S. 88:8, as amended by 52, laws 1909.



Selectmen  
shall assess.

The selectmen shall annually assess 22:2, laws 1909.  
upon the polls and ratable estate of  
the district a sum equal to the amounts  
determined by the district as prescribed  
in section 1, and shall pay over the same  
to the district treasurer.

Dog tax.

All moneys arising from the taxation P. S. 88:14.  
and licensing of dogs, remaining in the  
treasury of any town or city on the first  
day of April, annually, which is not due  
to holders of orders given for loss of or  
damages to domestic animals by dogs,  
shall be applied to the support of the  
public schools, and shall be assigned to  
the districts as other school money.

School wagons.

Any school district may raise money 46, laws 1911.  
for the purchase of suitable vehicles for  
the transportation of school children.

District taxes.

In the assessment of school-district P. S. 89:6.  
taxes, every person shall be taxed in the  
district in which he lives for his poll and  
his personal estate subject to taxation in  
town. Real estate shall be taxed in the  
district in which it is situated.

The selectmen may make a new in- P. S. 89:7.  
voice of all the property in the district  
when necessary for the just assessment  
of such taxes.

If such taxes are assessed after the P. S. 89:8.  
first day of July in any year upon the  
property of nonresidents, the collector  
shall send to the owners of said property,  
or to their agents, if known, a bill of  
their taxes within two months after the  
delivery of the list to him, and shall,  
at the expiration of four months after  
such delivery, advertise and sell the  
property on which the taxes have not

## SCHOOL MONEY.

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been paid in the same manner as if such taxes had been assessed in April preceding.

### II.

#### SCHOOL MONEY—STATE.

**Literary fund.** All taxes collected by the state up P. S. 88:9. on the deposits, stock, and attending accumulations of depositors and stockholders of savings banks, trust companies, loan and trust companies, loan and banking companies, building and loan associations, and other similar corporations, who do not reside in this state, or whose residence is unknown, shall be known as the "literary fund."

**Literary fund, distribution of.** The state treasurer shall assign and P. S. 88:10. distribute, in November of each year, the literary fund among the towns and places in proportion to the number of scholars not less than five years of age who shall, by the last reports of the school boards returned to the superintendent of public instruction, appear to have attended the public schools in such towns and places not less than two weeks within that year.

No unincorporated place shall receive P. S. 88:11. its portion until a treasurer or school agent shall have been chosen to receive and appropriate the same as required by law.

**Literary fund—may be used for what.** The portion of the literary fund so P. S. 88:12. received by any town or place shall be assigned to the districts as other school money, and shall be applied to the maintenance of the public schools during the

current year; one fifth part thereof may be applied by the school board to the purchase of blackboards, dictionaries, maps, charts, and school apparatus.

Literary fund—  
penalty for misuse  
of.

If any town or incorporated place or P. S. 88:13. the agent of any unincorporated place shall apply any money so received to any other purpose, the town, place, or agent so offending shall refund to the state treasury double the sum so misapplied.

State aid—towns  
to receive.

No appropriation of money provided 158:1, laws 1909, for in sections 2 to 3 inclusive of this act shall be held to apply to towns having an equalized valuation of more than \$9,500 per pupil of average attendance for the year preceding; or whose population by the last published federal census is more than 3,500; or whose schools have been maintained less than an average of thirty weeks for the school year next preceding; or whose tax rate for school purposes is less than \$3.40 on one thousand dollars of equalized valuation. as amended by 182, laws of 1913. (This amendment takes effect Jan. 1, 1914.)

State aid—  
average attendance  
basis.

There shall annually in the month of December be apportioned to all towns not excluded by the terms of section 1 and as hereafter provided state money as follows: 158:2, laws 1909, as amended by 182, laws of 1913.

I. To all towns having an equalized valuation per pupil of average attendance of less than \$3,500, the sum of \$1.75 per school week for every twenty-five pupils or major part thereof of average attendance for the year next preceding.

II. To all towns having an equalized valuation per pupil of \$3,500, or more and less than \$4,500, \$1.50.

III. To all towns having an equalized

valuation per pupil of \$4,500 or more and less than \$5,500, \$1.25.

IV. To all towns having an equalized valuation per pupil of \$5,500 or more and less than \$7,000, \$1.00.

V. To all towns having an equalized valuation of \$7,000 or more and less than \$9,500, per pupil, \$0.75.

State aid—qualified teacher basis.

When any district shall employ graduates of a New Hampshire Normal school, or of any Normal school in another state of equivalent grade, or persons holding a permanent New Hampshire state teacher's certificate, it shall receive a further sum of \$2.00 per week for every teacher so employed. 158:3, laws 1909.

State aid—district supervision and high school tuition.

There shall annually be reserved and set aside from the appropriation provided for by this act such sums as shall be needed for carrying out the provisions of chapter 77, Session Laws of 1899, relating to district supervision, and of chapter 96, Session Laws of 1901, relating to high school tuition. 158:4, laws 1909.

State aid—appropriation for.

The sum of \$95,100 (unexpended balances of previous years to be brought forward) for each of the years 1913-14; 1914-15 annually is hereby appropriated to carry into effect the provisions of this act, and any portion of such appropriation as shall remain unexpended in any year shall remain in the state treasury for use in subsequent years, and if in any year the above appropriation and accumulated surplus shall prove insufficient, then towns having the highest equalized valuation per pupil shall be 158:5, laws 1909, as amended by 41 and 45, laws of 1913.

omitted in order from the distribution provided for in sections 2 and 3.

The sum appropriated by section 5 158:6, laws 1909. shall be in place of the annual appropriations of \$25,000 and \$8,000 provided by chapter 77, Laws of 1899, and chapter 96, Laws of 1901, and amendments thereto, respectively, and such appropriations shall be discontinued upon the passage of this act.

All money appropriated by this act 158:7, laws 1909. shall be expended under the supervision of the governor and council.

Penalty for not making returns. Minimum school year.

No town shall receive any benefit 77:7, laws 1899. under this act nor any portion of the literary fund unless its returns have been made to the superintendent of public instruction, as required by chapter 92, section 13, of the Public Statutes, nor unless its schools have been maintained at least twenty weeks during the school year next preceding.

High school tuition rebate. See also under High Schools.

[Such sum as may be needed] shall 96:3, laws 1901, be appropriated annually from the state treasury for the payment of tuition in high schools and academies, to be paid by the state treasurer in the month of December of each year to the treasurers of such towns as are entitled, and in such manner as is hereinafter provided, upon a sworn certificate of the superintendent of public instruction of the sums due. as amended by 158:4, laws 1909.

Towns whose rate of taxation for school purposes in any year is \$3.50 or more on \$1,000, and whose average rate of taxation for all purposes for five years next preceding is \$16.50 or more on \$1,-

000, shall receive a share of said appropriation as follows:

If the tax rate is from \$16.50 to \$17.49, one tenth of the tuition paid.

If the tax rate is from \$17.50 to \$18.49, two tenths of the tuition paid.

If the tax rate is from \$18.50 to \$19.49, three tenths of the tuition paid.

If the tax rate is from \$19.50 to \$20.49, four tenths of the tuition paid.

If the tax rate is from \$20.50 to \$21.49, five tenths of the tuition paid.

If the tax rate is from \$21.50 to \$22.49, six tenths of the tuition paid.

If the tax rate is from \$22.50 to \$23.49, seven tenths of the tuition paid.

If the tax rate is from \$23.50 to \$24.49, eight tenths of the tuition paid.

If the tax rate is from \$24.50 to \$25.49, nine tenths of the tuition paid.

Over \$25.49, the whole of such tuition.

### III.

#### SCHOOL LOANS AND BONDS.

Districts may hire money—for what—how. School districts may hire money for P. S. 89:4, as amended by 138, laws 1909.

building or repairing schoolhouses, and procuring and grading lots for the same upon the promissory notes or bonds of the district. If the money is so hired upon the note or notes of the district, said note or notes shall be signed by the district treasurer and by the school board, and if upon the bonds of the district, said bonds shall be issued under and by virtue of, in conformity with, and subject to limitations of chapter 43, Laws

of 1895, entitled "The Municipal Bonds Act."

Any city, town, precinct, school or village district may exempt from taxation any future issue of its bonds, *provided* such exemption shall apply only to bonds owned and held by citizens of said city, town, precinct, school or village district.

55, laws of 1907,  
as amended by  
chapter 51, laws  
of 1913.

Districts may  
raise money other  
than regular  
school money  
for what.

School districts may raise money to procure land for schoolhouse lots, and for the enlargement of existing lots; to build, purchase, rent, repair, or remove schoolhouses and outbuildings, to procure insurance; to plant and care for shade and ornamental trees upon schoolhouse lots; to provide suitable furniture, books, maps, charts, apparatus, and conveniences for schools, and to pay debts. School districts may at any legal meeting holden therein, by a majority of the legal voters present and voting at the meeting, authorize its school board to hire money for any of the purposes above mentioned of individuals living in the town in which such school district is located at a rate of interest not exceeding five per cent. per annum, and provide that all moneys thus loaned shall be exempt from taxation.

P. S. 89:3, as  
amended by 55,  
laws 1913.

#### IV.

##### SCHOOL DISTRICTS.

Definition of term  
"district."

Each town shall constitute a single district for school purposes, *provided, however*, that districts organized under special acts of the legislature may retain their present organization, and the word

P. S. 89:1, as  
amended by 23,  
laws 1909.

"town" wherever used in the statutes in connection with the government, administration, support, or improvement of the public schools shall be held to mean district.

Districts to be corporations.

All districts legally organized shall be corporations, with power to sue and be sued, to hold and dispose of real and personal property for the use of the schools therein, and to make necessary contracts in relation thereto. P. S. 89:2, as amended by 23, laws 1909.

Admission of scholars from other districts.

Each district may determine upon what terms scholars from other districts or towns may be admitted into its schools. If the district neglects to make such determination, the school board may do it. P. S. 89:12.

Districts situate in two or more towns.

Every district situate in two or more towns shall be entitled to its just proportion of school taxes, income of school funds, literary fund, and dog tax in each town, according to the valuation of polls and property taxable therein. P. S. 89:13.

Dissolution of special district.

Any school district organized under a special act of the legislature may, by a majority vote of the qualified voters present and voting at a legal meeting, dissolve its corporate existence and unite with the town district. P. S. 89:14.

In such case the town district so formed shall forthwith take possession of the schoolhouses, lands, apparatus, and other property owned and used for school purposes by the district so dissolved which the district might lawfully sell or convey. P. S. 89:15.

The property so taken, and also like property of the district to which the special district is united, shall be ap-



praised by the selectmen of the town, and at the next annual assessment a tax shall be levied upon the whole town district equal to the amount of the whole appraisal; and there shall be remitted to the taxpayers of each district the appraised value of its property.

If a district so dissolved is formed P. S. 89:17. of parts of two or more towns, an equitable apportionment of its assets and liabilities between such parts shall be made by the selectmen of the towns in which they are situate, acting as a joint board, within sixty days after the dissolution.

If such joint board fail to make an P. S. 89:18. apportionment within the time limited therefor, any taxpayer within the district may apply by petition to a judge of the supreme court for the appointment of a referee to make the apportionment.

The judge shall appoint a time and P. S. 89:19. place of hearing upon the petition, and order notice thereof to be given to all parties interested, and after hearing them he shall appoint a referee.

The notice shall be served by posting P. S. 89:20. copies of the petition and order thereon in at least two public places in each of said parts, and by giving to the clerk of the dissolved district, and the clerk of each town district in which any part thereof is located, like copies ten days at least before the day of hearing.

The referee shall cause notice of his P. S. 89:21. hearing to be given to all parties interested, in the same manner as is provided in the preceding section. He shall

hear the parties, make his report in writing, and file a copy thereof with the clerk of the dissolved district and the clerk of each town interested; and the report, so made and filed, shall be final.

Upon receiving a copy of the apportionment, the selectmen shall assess upon that part of the district within their town the amount for which it is charged, and cause the same to be collected and paid to the town district in which the creditor part of the dissolved district is situated. P. S. 89:22.

The town district shall take the property and assets of that part of the dissolved district which is situate in such town district, and the selectmen of the town shall assess and remit taxes with reference to the property so taken, and like property of the town district, the same as in other cases. P. S. 89:23.

The corporate powers of a district shall continue for the purpose of settling up its affairs and of holding, managing, and enjoying any property held by it in trust, notwithstanding its dissolution, but the school board of the district of which it forms a part shall be its agents to expend the income of any such trust property that is devoted to the support of schools. P. S. 89:24.

The school board shall first give to such district or districts such term or character of schooling as would be just and reasonable if no such fund were in existence, and only use the income to lengthen the school or schools, or to carry P. S. 89:25.

out the purposes of the trust under which the funds are held.

Any justice of the peace may, upon P. S. 89:26. application of three or more voters, resident within the limits of the dissolved district, call a meeting thereof in the same manner as other school district meetings are called, at which a moderator, clerk, and agents may be chosen, and any other business transacted for the purposes mentioned in section 24 of this chapter.

The records of dissolved school districts whose corporate existence is not continued for any purpose shall be returned by the clerks of such districts to the town clerk's office for preservation with the public records of the town. P. S. 89:27.

Maintenance of high schools in dissolved special districts.

Whenever any school district organized under a special act of the legislature shall vote to abolish such district and to unite with the town district, if said town district shall vote to receive said special district, if said special district has for the five years next preceding such vote maintained a high school, it shall be incumbent on the town district with which it unites to thereafter keep and maintain within the limits of said special district a high school for at least thirty-four weeks in each year, and of equal grade to that which had been previously maintained therein by such special district, said high school to be open to all scholars in the town district, of suitable age and qualifications. 64:1, laws 1891.

It shall be the duty of said town district to raise and appropriate each year 64:2, laws 1891.

thereafter sufficient money in addition to the school money which the town in which it is situated may raise, to properly maintain such high school, or schools, as may be established under the preceding section.

Annexation of territory situate in one district to another district for school purposes.

Any person interested in severing part of any town therefrom and annexing it to another town, or school district therein, for school purposes, may apply therefor by petition to the selectmen of the town from which it is proposed to sever such territory, and to the selectmen of the town to which it is proposed to annex the same.

It shall be the duty of said selectmen, upon notice to such petitioners and to the school boards of the respective towns and school districts interested in the proposed transfer, to hear the parties, and determine whether the reasonable accommodation of such petitioners or others requires such transfer, and to make return of their findings to the clerks of their respective towns in writing within thirty days.

If a majority of each of said boards of selectmen report in favor of such transfer, they shall sign a certificate of that fact, describing such territory, and stating that it is annexed to such adjoining town, or district therein for school purposes, which certificate shall be recorded by the town clerk of each town.

Any territory now or hereafter annexed for school purposes to an adjoining town or school district therein, may, upon proceedings such as have been prescribed in

the foregoing sections of this act, be restored to the town or district from which it has been severed.

The annexation of territory under this act shall have the same force and validity as if made by a special act of the legislature. 72:5, laws 1893.

The selectmen and collector of any town to which part of any other town is now or may hereafter be annexed for school purposes shall have the same powers and duties in respect to such annexed territory, of furnishing blank inventories and of assessing and collecting taxes for school purposes, and the inhabitants and owners thereof shall for such purposes be subject to the same liabilities, as if such territory were in the town to which it is or may be annexed. 72:6, laws 1893.

Section 6 of chapter 72 of the Session Laws of 1893 shall not apply to special districts, but only to town districts, and all special taxes voted by said districts shall be assessed and collected in the same manner as they were assessed and collected prior to the enactment of said chapter 72. 72:6, laws 1893, as amended by 26, laws 1897.

The selectmen of any town, and the school board of any high school or other special district in the same town, may, upon petition of persons interested, after notice to the school board of the town school district of such town, and after hearing the parties, unite parts of either district to the other, a majority of the board of selectmen and a majority of the school board of such special district, and 72:7, laws 1893, as amended by 75, laws 1895.

a majority of the school board of the town school district concurring therein, and their decision in writing being recorded on the town records.

Offense against  
by-laws.

Any offender against such by-laws, P. S. 93:7. upon conviction, may be sentenced to pay a fine and to be committed to the Industrial School until it is paid or he is otherwise discharged, or he may be sentenced to the Industrial School for a term not exceeding one year.

The court or justice imposing a fine P. S. 93:8. upon any such offender may remit it upon proof that he is unable to pay it, and has no parent, guardian, or person chargeable with his support, able to pay it, and may discharge him from the Industrial School if he has been committed there for nonpayment thereof.

Any such offender so convicted may P. S. 93:9. give bond to the district in the penal sum of twenty-five dollars, with sufficient sureties, approved by the court or justice before whom he was convicted, conditioned to attend regularly some school kept in the district for one term next ensuing, to comply with the regulations thereof, and to be obedient and respectful to the teacher; and his fine may thereupon be remitted by such court or justice upon payment of the costs.

District high  
school.

Any school district may, by vote or P. S. 89:9. by-law, establish and maintain a high school in which the higher English branches of education and the Latin, Greek, and modern languages may be taught.

Joint schools of  
two or more  
districts.

Two or more adjoining districts in P. S. 89:10. the same or different towns may make contracts with each other for establishing and maintaining jointly a high or other public school for the benefit of their scholars, and may raise and appropriate money to carry the contracts into effect; and their school boards, acting jointly or otherwise, shall have such authority and perform such duties in relation to schools so maintained as may be provided for in the contracts.

Evening schools.

Upon petition of five per cent. of the legal voters of any city or town having more than five thousand inhabitants, according to the latest United States census, said city or town shall establish and maintain, in addition to the schools required by the law to be maintained therein, evening schools for the instruction of persons over fourteen years of age in such branches of learning and art as the school board shall deem expedient. 112:1, laws 1901.

The school board of such cities and towns shall have the same superintendence over such evening schools as they have over other schools, and may determine the term or terms of time in each year and the hours of the evening during which such schools shall be kept, and may make such regulations as to attendance at such schools as they may deem expedient. 112:2, laws 1901.

Nothing contained in this act shall exempt any person from the requirements of chapter 93 of the Public Statutes. 112:3, laws 1901.

**Playgrounds.**

**SECTION 1.** Towns may at any legal S. Laws 1911, meeting grant and vote such sums of chapter 146. money as they shall judge necessary to establish, equip and maintain suitable places for public playgrounds, in accordance with the provisions of section 4, chapter 40, of the Public Statutes.

*Summary of Chief Powers of District.*

1. May raise money for general school purposes in addition to that required by law.
2. May raise money for buildings and lots.
3. May hire money for schoolhouse construction.
4. May establish high school.
5. May contract with other districts for maintenance of joint schools.
6. May contract with literary institution for furnishing tuition.
7. May determine on what terms pupils from other districts may be admitted to its schools.
8. May locate schoolhouses, fix salaries of school board and truant officers.
9. May raise money to purchase wagons.

*Some Things a District May Not Do.*

1. Transcend any statutory requirement.
2. Fix length of school year.
3. Fix salaries of teachers.
4. Establish and locate or discontinue common schools.



## V.

MEETINGS AND OFFICERS AND QUALIFIED  
VOTERS OF SCHOOL DISTRICTS.

Time of annual  
meeting.

A meeting of every school district shall P. S. 90:1. be holden annually between the first day of March and the twentieth day of April, inclusive, for the choice of district officers and the transaction of other district business.

Special meeting.

A special meeting of a school district P. S. 90:2. shall be holden whenever, in the opinion of the school board, there is occasion therefor, or whenever ten or more voters, or one sixth of the voters of the district, shall have made written application to the school board therefor, setting forth the subject-matter upon which action is desired.

No village district or precinct, school 121, laws 1907. district, highway district, fire district or other like subdivision of a town, shall raise or appropriate money at any special meeting of the inhabitants thereof, except by vote by ballot, nor unless the ballots cast at such meeting shall be equal in number to at least one half of the number of legal voters of such district at the regular meeting next preceding such special meeting; and if a checklist was used at the last preceding regular meeting, the same shall be used to ascertain the number of legal voters in said district; and such checklist, corrected according to law, may be used at such special meeting upon request of ten legal voters of the district.

**Place of meeting.** School-district meetings may be held P. S. 90:3. at the usual place where town meetings of the town are held, or at such other suitable place as in the opinion of the officers calling the meeting will best accommodate the voters.

**Warrant for meeting.** They shall be warned by the school P. S. 90:4. board, or, in cases authorized by law, by a justice of the peace, by a warrant addressed to the inhabitants of the district qualified to vote in district affairs, stating the time and place of the meeting and the subject-matter of the business to be acted upon.

The officers issuing a warrant for a P. S. 90:5. district meeting shall insert therein any subject-matter for which application has been made to them in writing by ten or more voters, or by one sixth of the voters of the district.

The school board or justice issuing a P. S. 90:6. warrant shall cause an attested copy of it to be posted at the place of meeting, and a like copy at one other public place in the district, fourteen days before the day of meeting.

If the school board does not cause a P. S. 90:7. warrant for the annual meeting to be posted on or before the second Tuesday of March, in any year, or for a special meeting within ten days after application therefor is made to them, a justice of the peace, upon application of ten or more voters, or of one sixth of the voters of the district, may issue such warrant and cause it to be posted.

The warrant, with a certificate thereon, P. S. 90:8. verified by oath, stating the time and

places when and where copies of it were posted, shall be given to the clerk of the district at or before the time of the meeting, and shall be recorded by him in the records of the district.

**Qualification for voting.**

Any person, whether male or female, P. S. 90:9. but in all other respects except sex qualified to vote in town affairs, may vote at school-district meetings in the district in which such person has resided and had home three months next preceding the meeting.

**Checklist at school meetings.**

Upon petition of ten legal voters of P. S. 90:10. any district, presented in January, or if the district at its annual meeting shall have voted that a checklist be used at future meetings, the school board shall make, post, and correct a list of the legal voters in the district, as supervisors are required to do in regard to the list of voters in their towns; and such list shall be used and checked, at the election of officers and otherwise, at the annual meeting of the district, as in case of town meetings.

[Section 10 was amended by chapter 97, laws 1895. 97 of Session Laws of 1895, as follows:

That section 10 of chapter 90 of the Public Statutes shall not be applicable to any special school district in this state, unless a petition for a checklist shall be signed by five per cent. of the legal voters of the district.]

**Penalty for illegal voting.**

If any person under the age of P. S. 90:11. twenty-one years, or any alien not naturalized, or any person who has not resided and had his home in the district for three months and in the town for

six months preceding, shall vote in any district meeting, or if any person shall give in more than one vote for any officer voted for at the meeting, or if any person, being under examination before the school board as to his qualifications as a voter, shall give any false name or answer, he shall be fined not exceeding thirty dollars, or be imprisoned not exceeding three months.

**Officers.**

The officers of every school district for P. S. 90:12. which the law does not otherwise provide shall be a moderator, a clerk, a school board of three persons, a treasurer, and one or more auditors, and such other officers and agents as the voters may judge necessary for managing the district affairs.

While any district maintains a high P. S. 90:18. school or unites with another district in maintaining one, it may have a school board consisting of three, six or nine members, as it shall determine by vote or by-law. Whenever it ceases to maintain or to unite in maintaining a high school, it shall thereafterwards elect only one member to the school board each year to fill vacancies occurring from expiration of term of service, so that the board will decrease in numbers, year by year, until it shall be composed of only three members.

**Eligibility to office.**

No person shall be eligible to any P. S. 90:14. school-district office unless he is a voter 20, laws 1909. in the district. No person holding office as a member of a school board shall at the same time act as district treasurer or auditor, nor shall any member of a

school board be employed as a teacher in his district.

**Manner of election.**

The moderator shall be chosen by ballot, P. S. 90:15, as amended by 69, laws 1897. by a plurality vote; the clerk, school board, and treasurer shall be chosen by ballot, by a majority vote. The moderator, clerk, and school board shall be sworn.

**Term of officers.**

One third of the members of the school board shall be chosen each year to hold office for three years, and until their successors are chosen and qualified, and vacancies in the board shall be filled so as to preserve such succession in office. P. S. 90:16. All other officers shall be chosen annually, and shall hold office for one year, and until their successors are chosen and qualified.

**Moderator.**

The moderator shall have the like power and duty as a moderator of a town meeting to conduct the business and to preserve order, and may administer oaths to district officers and in the district business. In case of a vacancy or absence, a moderator *pro tempore* may be chosen. P. S. 90:17.

**Clerk.**

The clerk shall keep a true record of all the doings of each meeting; shall deliver to the selectmen of the town an attested copy of every vote to raise money within ten days after the meeting; shall make an attested copy of any record of the district for any person upon request and tender of legal fees therefor; shall act as moderator of any meeting until a moderator *pro tempore* shall be chosen, if the moderator is absent or the office has become vacant; and shall have P. S. 90:18.

the same power to administer oaths which the moderator has. If the clerk is absent at any meeting, a clerk *pro tempore* shall be chosen.

The clerk of every school district shall, P. S. 90:19. forthwith, after the election from time to time of members of the school board, report in writing their names and post-office addresses to the town clerk of the town; and if he fails to do so, he shall be fined twenty dollars, one half for the use of the complainant and the other half for the use of the town.

**Treasurer.**

The treasurer shall, before entering P. S. 90:20. upon the duties of his office, give a bond with sufficient sureties to the district, to the acceptance of the school board, for the faithful performance of his official duties.

The treasurer shall have the custody P. S. 90:21. of all moneys belonging to the district, and shall pay out the same only upon orders of the school board. He shall keep a fair and correct account of all sums received into and paid from the district treasury. At the close of each fiscal year he shall make a report to the district, giving a particular account of all receipts and payments during the year. He shall furnish to the school board statements from his books, and submit his books and vouchers to them and to the district auditors for examination, whenever so requested.

**Auditors.**

The auditors shall carefully examine P. S. 90:22. the accounts of the treasurer and school board at the close of each fiscal year, and at other times whenever necessary,

and report to the district whether the same are correctly cast and well vouched.

Filling of vacancies.

The school board shall fill vacancies P. S. 90:23. occurring on the board, and in other district offices except that of moderator, until the next annual meeting of the district. In case of vacancy of the entire membership of the board, or the remaining members are unable to agree upon an appointment, the selectmen, upon application of one or more voters in the district, shall fill the vacancies so existing until the next annual meeting of the district.

At its annual meeting each school district shall determine and appoint the salaries of its school board and truant officer or officers, and the district clerk shall certify the same to the selectmen.

Compensation of school board.

The selectmen shall annually assess 22, laws 1909. upon the polls and ratable estate of the district a sum equal to amounts determined by the district as prescribed in section 1 and shall pay over the same to the district treasurer.

The district treasurer shall pay to the school board the salaries aforesaid and he shall likewise pay the truant officer upon the order of the school board, they certifying that he has performed the duties required of him by law.

[Salaries of school boards cannot legally be paid out of school money.]

Town clerks must notify superintendent of public instruction names of local school board.

Every town clerk, within thirty days P. S. 43:3. after the annual meeting, shall report to state officers the names and postoffice addresses of town officers as follows: . . . to the state superintendent of pub-

lie instruction, those of the local school board. . . . Any town clerk who neglects to make reports as required by this section shall be subject to pay a fine of twenty dollars for each failure, one half for the use of the department to which he fails to report, and the other half for the use of the town.

## VI.

## SCHOOL BOARDS, TEACHERS AND TRUANT OFFICERS—POWERS AND DUTIES.

## Provision of schools.

The school board of every district shall P. S. 92:1.

provide schools at such places within the district and at such times in each year as will best subserve the interests of education, and will give to all scholars of the district as nearly equal advantages as may be practicable. They may use a portion of the school money, not exceeding twenty-five per cent. for the purpose of conveying scholars to and from the schools.

## Conveyance of scholars.

[The district is empowered to raise money to buy wagons.]

## Hiring of teachers.

The school board shall select and hire P. S. 92:2, as amended by 50, suitable and competent teachers, shall laws of 1895, provide necessary fuel, and shall make and by 136, laws of 1911.

## Repairs.

such occasional repairs of the school-houses and furniture as may be necessary, not exceeding in cost five per cent. of the school money.

## Dismissal of teachers.

They may dismiss any teacher found P. S. 92:3, as amended by 59, by them to be immoral or incompetent or laws 1905. who shall not conform to regulations prescribed; *provided, however, that no*



teacher shall be so dismissed before the expiration of the period for which said teacher was engaged without having previously been notified of the cause of such dismissal, and provided further that no teacher shall be so dismissed without having previously been granted a full and fair hearing.

Teacher's right to hearing.

The district shall be liable in the action of contract to any teacher dismissed in violation of the provisions of the preceding section to the extent of the full salary for the period for which such teacher was engaged.

P. S. 92:4, as amended by 59, laws 1905.

Power of board to prescribe regulations.

The school board may prescribe regulations for the attendance upon, and for the management, studies, classification, and discipline of the schools; and such regulations, when recorded by the district clerk, and a copy thereof has been given to the teachers and read in the schools, shall be binding upon scholars and teachers.

Studies to be prescribed.

They shall prescribe in all mixed schools and in all graded schools above primary, the studies of physiology and hygiene, having special reference to the effects of alcoholic stimulants and of narcotics upon the human system, and shall see that the studies so prescribed are thoroughly taught in said schools and that well approved text-books upon these subjects are furnished to teachers and scholars, and shall see that a well prescribed reading course dealing with the principle of the humane treatment of the lower animals shall be included in the ordinary instruction in reading or other-

P. S. 92:6, as amended by 40, laws 1895; 31, laws 1903; 49, laws 1909; and by 136, laws 1911.

wise, and that the constitution of the United States and of the state of New Hampshire be read aloud by the scholars at least once during the last year of the course below the high school, and may permit or prescribe the study of algebra, geometry, surveying, bookkeeping, philosophy, chemistry, and natural history, or any of them, and other suitable studies.

Free text-books.

They shall purchase, at the expense of the city or town in which the district is situated, text-books and other supplies required for use in the public schools; and shall loan the same to the pupils of such schools free of charge, subject to such regulations for their care and custody as the school board may prescribe. They shall make provision for the sale of such books at cost to pupils of the school wishing to purchase them for their own use.

P. S. 92:7, as amended by laws 1895.

[Text-books and supplies cannot legally be paid for out of school money. They are statutory requirements and the selectmen must assess enough, in addition to money required by law and otherwise voted by the district, to cover the requirements of the scholars. It is the duty of the school board to purchase text-books and supplies, approve the bills and send the same to the district treasurer to be paid out of the money assessed by the selectmen for that purpose. If no money has been assessed, the district is liable to a suit at law by the party selling the books or supplies.]

They shall purchase and display U. S. flag.

They shall purchase at the expense of the city or town in which the district is situated, a United States flag of bunting not less than five feet in length with a flagstaff and appliances for displaying the same, for every schoolhouse in the district in which a public school is taught

P. S. 92:8, as amended by 50, laws 1895, and 89, laws 1903.

not otherwise supplied. They shall prescribe rules and regulations for the proper custody, care, and display of the flag; and whenever not otherwise displayed, it shall be placed conspicuously in the principal room of the schoolhouse. Any members of a school board who shall refuse or neglect to comply with the provisions of this section shall be fined ten dollars for the first offense and twenty dollars for every subsequent offense.

Not more than ten dollars shall be expended for the flag, flagstaff, and appliances for any one schoolhouse, and the school board shall have the same control over its preservation and display that it has over the other district property.

[See remarks on text-books and supplies. The same ruling applies.]

Certain books shall not be used.

No book shall be introduced into the public schools calculated to favor any particular religious sect or political party. P. S. 92:9, as amended by 50, laws 1895.

Registers to be furnished.

They shall furnish to every teacher one of the blank registers provided by the superintendent of public instruction, and shall visit and examine each school in their district at least twice in each term, once near the beginning and once near the close thereof. P. S. 92:10.

Examination and certification of teachers by superintendent of public instruction.

The superintendent of public instruction shall cause to be held, at such convenient times and places as he may from time to time designate, public examinations of candidates for the position of teacher in the public schools of the state. Such examinations shall test the profes- 49:1, laws 1895.

sional as well as the scholastic abilities of candidates, and shall be conducted by such persons and in such manner as the superintendent of public instruction may from time to time designate. Due notice of the time, place, and other conditions of the examinations shall be given in such public manner as the superintendent of public instruction may determine.

[NOTE:—The superintendent of public instruction is charged with various other duties and powers, which are referred to in the proper connection, as for instance approval of high schools and academies and enforcement of child labor laws.]

A certificate of qualifications shall be 49:2, laws 1895 given to all candidates who pass satisfactory examinations in such branches as are required by law to be taught, and who in other respects fulfill the requirements of the superintendent; such certificate shall be either probationary, or permanent, and shall indicate the grade of school for which the person named in the certificate is qualified to teach.

The superintendent of public instruction may issue, without the requirement of examination provided herein, a certificate of qualifications to any person who has served as a teacher in the public schools of the state for a term of three school years when, in his judgment, the educational interests of the state will be served by such action. Laws of 1911.

A list of approved candidates shall be 49:3, laws 1895. kept in the office of the department of public instruction and copies of the same, with such information as may be desired,

shall be sent to school committees upon their request.

A sum not exceeding three hundred dollars may be annually expended from the income of institute fund for the necessary and contingent expenses of carrying out the provisions of this act. 49:5, laws 1895.

Superintendent of public instruction to have same powers as truant officers.

The state superintendent of public instruction shall have authority to enforce the laws relating to attendance at school and the employment of minors, and, for this purpose, he and any deputy appointed by him shall be vested with the powers given by law to truant officers when authorized by school boards to enforce the laws relating to attendance at school and the employment of children. And the expenses necessarily incurred by the state superintendent in such enforcement shall be paid as audited and allowed by the governor and council. P. S. 93:15, as amended by 61, laws 1901.

Teachers shall keep registers.

Every teacher shall make the entries in the register required by the superintendent of public instruction, and at the close of the term shall return the register to the school board. Twenty dollars of the wages of every teacher shall be withheld until he has made such return. P. S. 92:11.

Reports to be made to superintendent of public instruction.

School boards shall on or before the fifteenth day of July in each year, send to the superintendent of public instruction copies of their annual reports and answers to the questions proposed by him, relating to the schools in their district; the school year shall begin with the fall term. P. S. 92:13, as amended by 50, laws 1895, and 5, laws 1903.

Penalty for refusal or neglect.

Any member of a school board who shall neglect or refuse to comply with the provisions of the preceding section shall be fined not exceeding fifty dollars. P. S. 92:14.

Penalty for neglect of duty.

If any public officer wilfully neglects any duty of his office, and no penalty is prescribed by statute for such neglect, he shall forfeit a sum not exceeding thirty dollars. P. S. 255:14.

Boards to appoint truant officers.

School boards shall appoint truant officers for their districts. P. S. 92:15, as amended by 70, laws 1899.

Truant officers shall hold office for one year, and until their successors shall be appointed, but they may be removed by the school board at any time for cause. P. S. 92:16.

District shall determine salaries of officers.

At its annual meeting each school district shall determine and appoint the salaries of its school board and truant officer or officers, and the district clerk shall certify the same to the selectmen. 22:1, laws 1909.

Selectmen shall assess.

The selectmen shall annually assess upon the polls and ratable estate of the district a sum equal to the amounts determined by the district as prescribed in section 1 and shall pay over the same to the district treasurer. 22:2, laws 1909.

The district treasurer shall pay to the school board the salaries aforesaid and he shall likewise pay the truant officer upon the order of the school board, they certifying that he has performed the duties required of him by law. 22:3, laws 1909.

[Truant officers cannot legally be paid out of school money.]

Duties of truant officers.

Truant officers shall, under the direction of the school board, enforce the laws P. S. 92:17, as amended by 70, laws 1899.

and regulations relating to truants and children between the ages of eight and sixteen years not attending school, and without any regular and lawful occupation; and the laws relating to the attendance at school of children between the ages of eight and sixteen years.

Truant officers shall have authority without a warrant to take and place in school any children found employed contrary to the laws relating to the employment of children or violating the laws relating to the compulsory attendance at school of children between the ages of six and sixteen years.

School day and week.

In the absence of express contract, a P. S. 92:20. session of three hours in the forenoon and three hours in the afternoon shall constitute a school day, five such days a school week, and four such weeks a school month, in the public schools.

Enumeration of children.

Truant officers or agents appointed by school boards of cities and towns shall annually, in the month of September, make an enumeration of the children of each sex, between the ages of five and sixteen years, in their town or city, giving such items in regard to each child as may be required by the school board or the state superintendent of public instruction, and shall make a report to the school board thereof within fifteen days after the completion.

46, laws 1895, as amended by 91, laws 1905.

Section 14, chapter 43, Public Statutes, 46:2, laws 1895. and any other acts inconsistent with this act are hereby repealed.

Teachers may  
attend institutes.

Teachers of public schools may attend P. S. 92:21, as teachers' institutes held within the state, laws 1903, and as provided by law, not exceeding one 28, laws 1909. day in any term, and the time so spent shall be regarded as spent in the service of the district.

Patriotic  
exercises.

In all the public schools of the state 14, laws 1897. one session during the week in which Memorial Day falls, or a portion thereof, shall be devoted to exercises of a patriotic nature.

Holidays.

Thanksgiving Day and Fast Day, when- 11, laws 1899, as ever appointed, Labor Day, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first day of January, the twelfth day of October, and Christmas day shall be legal holidays, and when either of the last six days mentioned occurs on Sunday, the following day shall be observed as a holiday. amended by 7, laws 1907, and 96, laws 1909; 22, laws of 1913.

Boards to super-  
intend evening  
schools.

The school board of such cities and 112:2, laws 1901. towns shall have the same superintendence over such evening schools as they have over other schools, and may determine the term or terms of time in each year and the hours of the evening during which such schools shall be kept, and may make such regulations as to attendance at such schools as they may deem expedient.

Nothing contained in this act shall ex- 112:3, laws 1901. empt any person from the requirements of chapter 93 of the Public Statutes.



## VII.

## SUPERVISION.

Districts may require board to appoint superintendent.

A school district may require the school board to elect or appoint a superintendent of schools, who shall hold office for such term, be vested with such of the powers and charged with such of the duties of the school board, and be entitled to such compensation as it may provide; and such district may raise and appropriate money to pay the compensation. P. S. 90:24, as amended by 48, laws 1895.

Two or more towns or special districts may jointly employ superintendent.

Two or more towns or special districts may, by vote of each, form a district for the purpose of employing a superintendent of the public schools therein, who shall perform in each town the duties prescribed by law and the regulations of the school boards. 47:1, laws 1895.

Such superintendent shall be appointed by a joint committee composed of the school board of each of the towns of said district, who shall determine the relative amount of service to be performed by him in each town, and shall fix his salary and apportion the amount thereof to be paid by the several towns, and certify such amount to the treasurer of each town. Said joint committee shall for said purposes, be held to be the agents of each town composing such district. 47:2, laws 1895.

Two or more towns or special districts may form supervisory district.

Two or more towns or special districts, or their school boards when duly authorized by their respective districts, may, by vote of each, form a supervisory district for the purpose of employing a 77:1, laws 1899.

superintendent of the public schools therein, who shall perform in each town the duties prescribed by law and by the regulations of the school boards, giving thereto his entire time.

Joint supervisory  
committee.

The school boards of the several districts forming the supervisory district shall constitute a joint committee which for all purposes of this act shall be the agent of each district therein represented. Said committee shall meet between April 1 and August 1 of each year, as may be agreed upon by the chairmen of the several boards, and organize by the choice of a chairman, a secretary, and a treasurer. It shall elect a superintendent for such supervisory district, determine the character and value of his services, and apportion the same among the several districts, certifying such apportionment to their respective treasurers.

State will pay  
one half salary  
of superintendent.

Any town or special district which shall unite with one or more districts to form a supervisory district, which shall employ as superintendent, at an annual salary, a person holding a permanent state teachers' certificate, and shall certify through its chairman and secretary such facts to the state treasurer, shall be entitled to one half its apportioned share of said salary, said sum to be paid by him in December of each year to the town treasurer of each town in said supervisory district, upon sworn statement of the state superintendent of public instruction certifying as to what

77:3, laws 1899,  
as amended by  
18, laws 1901.

amount each town is entitled. This section shall not apply to cities.

[The town's portion of the superintendent's salary may be paid out of the school money.]

**Size of districts.** Supervisory districts of less than three towns formed under this act shall employ not fewer than twenty nor more than sixty teachers. 77:4, laws 1899, as amended by 115, laws 1905.

**Withdrawal from supervisory district.** Any town or special district which has united, or may hereafter unite, with any other town or towns, district or districts, to form a supervisory district, as provided by chapter 77 of the Laws of 1899, may, at any annual school district meeting, by vote, rescind such action, and thereupon shall, at the end of the school year or at the expiration of the period for which such supervisory district may then already have contracted for the services of a superintendent, cease to be a part of such supervisory district. 81, laws 1901.

## VIII.

### SUPERINTENDENT OF PUBLIC INSTRUCTION.

**Appointment.** There shall be a superintendent of public instruction who shall have general supervision and control of the educational interests of the state and who shall be appointed and may be removed by the governor, with the advice of the council. He shall be paid such salary as the governor and council may determine, not exceeding four thousand dollars annually. 149:1, laws 1913.

The superintendent of public instruction may on or before the fifteenth day of July, 1913, appoint three deputies, at

least one of whom shall be a woman. Each deputy shall be paid such salary as the governor and council shall determine, not exceeding twenty-five hundred dollars annually and necessary traveling expenses.

The deputies aforesaid shall be under 149:3, laws 1913. the direction of the superintendent of public instruction and shall assist school boards and superintendents in the introduction and development of courses in agriculture and the domestic and mechanic arts and other vocational branches, in the improvement of school buildings and equipment, the transportation of pupils, and other matters relating to the promotion of popular education in the state.

#### Duties.

The superintendent of public instruction shall prescribe the form of register to be kept in the schools, and the form of blanks and inquiries for the returns to be made by the school boards, and shall seasonably send the same to the clerks of the several towns and cities for the use of the school boards therein; he shall receive, preserve, or distribute all state documents in regard to public schools or education, and shall receive and arrange in his office reports and returns of school boards; he shall investigate the condition and efficiency of the system of popular education in the state, especially in relation to the amount and character of the instruction given to the study of physiology and hygiene, having special reference to the effects of alcoholic stimulants and of narcotics upon the human

P. S. 94:2, as amended by 85, laws 1895, and 33, laws 1903.

system, and shall recommend to school boards what he considers the best text-books upon those subjects and suggest to them the best mode of teaching them, and shall pursue such a course for the purpose of awakening and guiding public sentiment in relation thereto as may seem to him best, and he shall biennially make a report, containing a concise abstract of the returns of the school boards, a detailed report of his own doings, a statement of the condition and progress of popular education in the state, and such suggestions and recommendations in regard to improving the same as his information and judgment may dictate. He shall have authority at the close of each biennial session of the legislature to compile and issue at the expense of the state an edition of the school laws with the session amendments, not exceeding two thousand copies.

He shall visit and lecture upon educational subjects in as many towns and cities of the state during the term of his office as the time occupied by his other official duties will permit. P. S. 94:3.

**Institutes.**

He shall organize, superintend, and hold at least one teachers' institute each year in each county of the state, and appoint the time and place, and make suitable arrangements therefor. P. S. 94:4.

In case he is unable for any cause to conduct in person any institute, or to make the necessary arrangements therefor, he shall appoint the principal of the state normal school, or some other suitable person, for that purpose. P. S. 94:5.

**Institute fund.** The state treasurer is authorized and P. S. 94:6. instructed to invest, as a permanent institute fund, the proceeds of the sale of the state lands effected under the authority of a joint resolution approved June 28, 1867, and the annual income thereof is set apart for the support of teachers' institutes.

The superintendent of public instruction may draw upon the state treasurer each year for such part of said income as may be required to defray the necessary expenses of the institutes, and for procuring suitable instruction and lectures for the same.

**Expenses of institute.** His account for the expenses of the P. S. 94:8. institutes shall be audited each year by the governor and council, and he shall incorporate in his annual report a report of the institutes and of the expenses of the same.

**Copy of reports to be sent to school boards.** He shall forward to the chairman of P. S. 94:9. every school board in the state a copy of each of his annual reports.

## IX.

## SCHOOLHOUSES AND GROUNDS.

**Location.** The district may decide upon the location of its schoolhouses, by vote or by a committee appointed for the purpose. P. S. 91:1.

**Power of building committee.** No committee shall have power to bind the district beyond the amount of money voted by it, and the district shall not be bound by any act, as a ratification of the doings of such committee, beyond their authority, unless by express vote of the district. P. S. 91:2.

Grievance on account of location.

If ten or more voters of a district are aggrieved by the location of a schoolhouse by the district or its committee, they may apply by petition to the school board, who shall hear the parties interested and determine the location. P. S. 91:3.

School board may locate—when.

If the district does not agree upon a location for a schoolhouse or upon a committee to locate the same, or if the same is not located by such committee within thirty days after its appointment, the school board, upon petition of ten or more voters, shall determine the location. P. S. 91:4.

Appeal.

If ten or more voters of a school district are aggrieved by the location of a schoolhouse by the district or its committee, or by the school board, they may apply by petition to the county commissioners within ten days after the making of the location, who shall hear the parties interested and determine the location. P. S. 91:5.

Hearing on appeal.

The chairman of the county commissioners shall appoint a time and place within the district for a hearing upon every such petition; and shall give notice thereof by causing attested copies of the petition and order of notice to be posted at two or more public places within the district and to be given in hand to, or left at the abode of, the clerk of the district and of one of the school board, fourteen days before the day of hearing. P. S. 91:6.

In such cases, vacancies in the board of commissioners arising from disqualification of members or otherwise shall be filled in the same manner as like vacancies. P. S. 91:7.

cies are filled in highway cases referred to them.

The hearing shall be closed within P. S. 91:8. sixty days. The commissioners shall hear all parties interested who desire to be heard, and shall make their decision in writing and file it with the clerk of the district.

The district shall take no steps to P. S. 91:9. carry into effect a former location while any subsequent proceedings authorized by law for a change thereof are pending.

Compensation of commissioners.

The commissioners shall be paid by P. S. 91:10. the district for their services the same fees as in highway cases. Districts are authorized to raise money for that purpose.

Term of location.

The location of schoolhouses, however P. S. 91:11. made, shall be conclusive for the term of five years, unless an appeal therefrom shall be prosecuted as provided in this chapter.

Enlargement of schoolhouse lot.

The school board or county commis- P. S. 91:12. sioners may enlarge any existing schoolhouse lot so that it shall contain not exceeding one acre, upon such petition to them and proceedings thereon as are required to authorize them to determine the location for a schoolhouse.

Appraisal for land damages.

If any school district shall neglect or P. S. 91:13. refuse to procure the lot of land selected for the location of a schoolhouse or for the enlargement of an existing schoolhouse lot, as provided in this chapter, or if the owner of the land shall refuse to sell the same to the district for a reasonable price, the selectmen, upon petition



to them by the school board, or by three or more voters of the district, shall appraise the damages occasioned to the land owner by the taking of his land. The appraisal shall be made in writing, and be filed with the clerk of the district.

Appeal from appraisal.

Any land owner aggrieved by such P. S. 91:14. appraisal of his damages may appeal therefrom to the supreme court by petition within sixty days after the appraisal is filed with the clerk of the district; and the procedure and remedies upon such appeal shall be the same as in appeals from the assessment of damages by selectmen in highway cases, except that service of papers shall be made upon the clerk of the district and one of the school board, instead of the town clerk and one of the selectmen, and except as provided in the following section.

Possession.

Upon payment or tender of the damages awarded, the land shall vest in the district, and it may take possession of it. Such payment or tender may be made in accordance with the award of the selectmen before an appeal is taken, or while an appeal is pending, and shall have like effect. In such case, if the damages are increased upon appeal the land owner shall have judgment for the excess; if decreased, the district shall have judgment for the amount of the decrease. If the result of the appeal is to change the award of damages in favor of the land owner, he shall recover costs; otherwise, he shall pay costs. P. S. 91:15.

Selectmen may build, remove, etc.—when. If a district shall refuse or neglect to P. S. 91:16.

build, repair, remove, or fit up a schoolhouse, or shall refuse or neglect to build a schoolhouse upon or to remove it to the lot designated as aforesaid, the selectmen, upon petition of three or more voters of the district, after hearing the parties, may assess upon the district and collect such sums of money as may be necessary, and therewith cause such schoolhouse to be built, removed, repaired, or fitted up.

Schools shall be kept—where. The schools of a district shall be kept P. S. 91:17.

in its schoolhouses, if it has suitable houses that will accommodate the scholars; if not, the school board shall provide suitable accommodations for the schools at the expense of the district.

Use of schoolhouses for other purposes. A school district or a school board P. S. 91:18.

thereof may grant the use of any schoolhouse in the district for a writing or singing school, and for religious and other meetings, whenever such use will not conflict with any regular school exercise. The person so using a schoolhouse shall be liable for any damages to the same and to the property therein.

Selection and purchase of lots in cities. The school board of cities shall have 65:1, laws 1897.

sole power to select and purchase land for schoolhouse lots. When said board has secured, by vote of the city councils, an adequate appropriation for the purchase of a specified lot at a specified price, then said board may make the purchase.

Building, etc., in cities. No schoolhouse shall be erected, al 65:2, laws 1897.

tered, remodeled, or changed in any city school district, unless the plans thereof have been previously submitted to the

school board of that district and received its approval, and all new schoolhouses shall be constructed under the direction of a joint special committee, chosen in equal numbers by the city councils and the school board.

Upon the completion of a new school-house, the city councils shall, by vote, transfer it to the care and control of the school board. Whenever a schoolhouse shall no longer be needed for public school purposes, the school board shall retransfer its care and control to the city.

The provisions of the three preceding sections shall not apply to the Union School District of Concord, or to the Union School District in the city of Keene.

Shade trees, etc.

Whenever any party, at a proper time of the year, shall present to the selectmen of any town or ward, well-grown nursery trees of the nut, shade, or ornamental varieties, such selectmen may set out said trees in the highways, cemeteries, commons, schoolhouse yards, and other public places, as indicated by the donor of said trees, and protect the same at the expense of the town.

Nothing in this act shall be construed to compel any party to have trees set in the highway on the side next his land without his consent.

Doors to open outwards.

The outer doors and doors of passages leading outward, of churches hereafter built or rebuilt, schoolhouses containing more than two schoolrooms, and halls and other buildings used for public gatherings, shall open outwards; and it shall

be the duty of the selectmen of towns to see that these provisions are complied with, and to prosecute persons who neglect to do so.

Fire-escapes on  
schoolhouses.

No building three or more stories in height, any part of which is used or occupied above the second story as a hotel, transient lodging house, schoolhouse, orphan asylum, theatre, hall for public assembly, factory, mill or work shop shall be let, leased or occupied for such purposes unless provided with a steel or wrought-iron balcony and stairway fire-escape built and attached to the outer wall in such manner and place as to render egress from said building easy and safe. If said building be of a length greater than one hundred and fifty feet it shall be provided with one additional such fire-escape for every additional one hundred and fifty feet or fractional part thereof. Every building in which laborers are employed shall be provided with sufficient means of escape in case of fire by more than one egress each of which shall be at all times free from obstruction and ready for immediate use. Every door leading in or to any such building shall be so constructed as to open outward when practicable, and shall not be locked, bolted, or fastened during working hours as to prevent free egress. The provisions of this section shall not apply to any such building as shall be adequately equipped with an approved sprinkler system and stairways inclosed with walls of fireproof material, or other means of exit duly approved in writing

164:1, laws 1909,  
amended 215:1,  
laws 1913.

by the building inspector, chief of fire department, or board of selectmen.

Such fire-escapes shall reach within eight feet of the ground and the location of the exits thereto shall be designated by red lights during such hours of the night as the building is occupied for the purposes designated in section 1 of this act. If any person shall violate any of the provisions of this act, he shall be fined not exceeding five hundred dollars or imprisoned not exceeding six months, or both, and it shall be the duty of said officers to enforce the provisions of this act.

Barbed wire  
fences near school-  
houses.

If any owner or occupant of land adjoining land occupied by a school district for school purposes erects, keeps or maintains any barbed wire fence to separate or divide such lands, he shall be fined not exceeding twenty-five dollars.

The selectmen or school board shall prosecute at the expense of the town or district, as the case may be, any violations of the preceding section.

Nuisance in  
vicinity of school-  
house.

If any person shall use or occupy a building or place near a dwellinghouse or schoolhouse, or in the compact part of a town, for a slaughterhouse, a place of deposit of green pelts or skins, or for trying tallow, currying leather, or carrying on any other business that is offensive to the public, without the written permission of the health officers of the town, he shall forfeit ten dollars for each month such building or place shall be so used or occupied, to be recovered for the use of the town.

Saloons and  
schoolhouses.

No license shall be granted for the 95:9, laws 1903. traffic in liquor in any building which shall be on the same street or avenue within two hundred feet of a building occupied exclusively as a church or school-house, the measurements to be taken in a straight line from the center of the nearest entrance to the building used for such church or school, to the center of the nearest entrance to the place in which the traffic in liquor is desired to be carried on, or in any location where the traffic shall be deemed by said board of license commissioners detrimental to the public welfare, *provided*, that this restriction shall not apply to hotels or drug stores used as such on the first day of January, 1903.

## X.

## HIGH SCHOOLS.

Districts may es-  
tablish high  
schools.

Any school district may, by vote or P. S. 89:9. by-law, establish and maintain a high school in which the higher English branches of education and the Latin, Greek, and modern languages may be taught.

Town must  
maintain.

It shall be the duty of any town in 72, laws 1905. which there is a high school, established by vote of the town, to raise and appropriate each year sufficient money to properly maintain such school.

Discontinuance of  
such schools.

No high school established by a vote 20, laws 1905. of a town shall be discontinued, or the location thereof be changed, except by the superior court, on petition of the

school board of the town district in which it is located, after such notice as the court may order, if it shall appear that the educational interests of the town district require such discontinuance or change.

Adjoining districts may make contracts for establishing joint high school.

Two or more adjoining districts in the P. S. 89:10. same or different towns may make contracts with each other for establishing and maintaining jointly a high or other public school for the benefit of their scholars, and may raise and appropriate money to carry the contracts into effect; and their school boards, acting jointly or otherwise, shall have such authority and perform such duties in relation to schools so maintained as may be provided for in the contracts.

Districts may contract for tuition.

Any school district may contract with P. S. 89:11, as amended by chapter 137, laws of 1911. an academy, seminary, or other literary institution located within its limits or in its immediate vicinity, for furnishing instruction to its scholars; and the school money may be used to carry the contract into effect; *provided, however*, that the superintendent of public instruction shall have full power and authority to terminate such contracts whenever in his judgment the educational interests of the districts so require.

High schools in dissolved special districts.

Whenever any school district organized 64:1, laws 1891. under a special act of the legislature shall vote to abolish such district and to unite with the town district, if said town district shall vote to receive said special district, if said special district has for the five years next preceding such vote maintained a high school, it shall be incum-

bent on the town district with which it unites to thereafter keep and maintain within the limits of said special district a high school for at least thirty-four weeks in each year, and of equal grade to that which had been previously maintained therein by such special district, said high school to be open to all scholars in the town district of suitable age and qualifications.

**Towns must maintain such schools.** It shall be the duty of said town district to raise and appropriate each year thereafter sufficient money in addition to the school money which the town in which it is situated may raise, to properly maintain such high school, or schools, as may be established under the preceding section. 64:2, laws 1891.

**Discontinuance of such schools.** Any high school hereby established may be discontinued, or the location thereof changed, by the supreme court, on petition of the school board of the town district in which it is located, after such notice as the court may order, if it shall appear that the educational interests of the town district require such discontinuance or change. 64:3, laws 1891.

**Penalty.** Any town district failing to comply with the provisions of this act, or any of them, shall be fined for such neglect. 64:4, laws 1891.

**Towns not maintaining high schools must pay tuition.** Any town not maintaining a high school or school of corresponding grade shall pay for the tuition of any child who with parents or guardian resides in said town and who attends a high school or academy in the same or another town or city in this state, and the parent or guardian of such child shall notify the 96:1, laws 1901, as amended by 118, laws 1903.



school board of the district in which he resides of the high school or academy which he has determined to attend; *provided, however*, that no town shall be liable for tuition of a child in any school, in excess of the average cost per child of instruction for the regularly employed teachers of that school and the cost of text-books, supplies, and apparatus during the school year preceding, nor in any case, shall the town be liable for tuition for any child in excess of forty dollars per year.

Liability for  
tuition.

If any town in which a high school or school of corresponding grade is not maintained neglects or refuses to pay for tuition as provided in the preceding section, such town shall be liable therefor to the parent or guardian of the child furnished with such tuition, if the parent or guardian has paid the same, or to the town or city furnishing the same in an action of contract.

Rebate from state  
in certain cases.

[Such sum as may be needed] shall be appropriated annually from the state treasury for the payment of tuition in high schools and academies, to be paid by the state treasurer in the month of December of each year to the treasurers of such towns as are entitled, and in such manner as is hereinafter provided, upon a sworn certificate of the superintendent of public instruction of the sums due.

96:3, laws 1901,  
as amended by 89,  
laws 1905.

Towns whose rate of taxation for school purposes in any year is \$3.50 or more on \$1,000, and whose average rate of taxation for all purposes for five

years next preceding is \$16.50 or more on \$1,000, shall receive a share of said appropriation as follows:

If the tax rate is from \$16.50 to \$17.49, one tenth of the tuition paid.

If the tax rate is from \$17.50 to \$18.49, two tenths of the tuition paid.

If the tax rate is from \$18.50 to \$19.49, three tenths of the tuition paid.

If the tax rate is from \$19.50 to \$20.49, four tenths of the tuition paid.

If the tax rate is from \$20.50 to \$21.49, five tenths of the tuition paid.

If the tax rate is from \$21.50 to \$22.49, six tenths of the tuition paid.

If the tax rate is from \$22.50 to \$23.49, seven tenths of the tuition paid.

If the tax rate is from \$23.50 to \$24.49, eight tenths of the tuition paid.

If the tax rate is from \$24.50 to \$25.49, nine tenths of the tuition paid.

Over \$25.49, the whole of such tuition.

**Definition of high school.** By the term "high school" or "academy," as used in this act, is understood a school having at least one course of not less than four years, properly equipped and teaching such subjects as are required for admission to college, technical school, and normal school, including reasonable instruction in the constitution of the United States and in the constitution of New Hampshire, such high school or academy to be approved by the state superintendent of public instruction as complying with the requirements of this section. And said superintendent is authorized to approve a school maintaining any part of such course for the part so maintained.

96:4, laws 1901, as amended by 31 and 118, laws 1903, and 19, laws 1905.

**Approval by superintendent of public instruction.**

Literary fund for scholars attending high schools and academies. Towns paying tuition of scholars in 96:5, laws 1901.

high schools or academies shall receive a proportionate share of the literary fund for the attendance of such pupils. All academies and private schools shall be furnished with copies of the school register, and shall make an annual statistical report to the state superintendent.

[Contracts made with corporations outside the state are not considered valid, except in the cases specified in the sections below.]

Districts may make contracts for tuition.  
Status of schools with which contracts are made.

Any school district may make contracts with any academies or high schools or other literary institutions located in the state for furnishing instruction to its scholars, and such school district may raise and appropriate money to carry into effect any contracts in relation thereto. Every such academy or high school or literary institution shall then be deemed a high school maintained by such district, if approved by the superintendent of public instruction in accordance with section 4 of this act. 96:6, laws 1901, as amended by 118, laws 1903, and 90, laws 1905.

The school districts in the towns of Walpole, Mason, Rollinsford and Conway may make contracts with Bellows Falls, Vt., Townsend, Mass., Berwick Academy, Me., and Fryeburg Academy, Me., respectively, for furnishing instruction to their pupils of high school grade, and may raise and appropriate money to carry such contracts into effect. 122, laws 1907.

Towns bordering on state line may contract with institutions in another state. Entitled to rebate from state under 96, laws 1901. Any school district in towns bordering on the state line, not having a high school or school of corresponding grade, may make contracts with high schools or academies in towns and cities located out of the state, whenever by reason of distance 96:7, laws 1901, as amended by 100, laws 1909.

and transportation facilities such schools outside the state are more accessible to the pupils, and may raise and appropriate money to carry such contracts into effect; *provided, however*, that every such academy or high school shall be approved by the superintendent of public instruction, in accordance with section 4, chapter 96, Session Laws of 1901, and acts in amendment thereof and addition thereto.

Any district in a town bordering on the state line not maintaining a high school or school of corresponding grade shall pay for the tuition of any child, who, with parents or guardian resides in said district and who attends a high school, or academy located out of the state, whenever by reason of distance and transportation facilities such schools outside the state are more accessible to the pupils; *provided, however*, that every such academy or high school shall be approved by the superintendent of public instruction, in accordance with section 4, chapter 96, Session Laws of 1901, and acts in amendment thereof and addition thereto, and the parents or guardian of such child shall notify the school board of the district in which he resides of the high school or academy which he desires to attend, and the approval of the school board shall be necessary in all cases arising under this section.

Such districts shall be entitled to rebate.

Towns paying for tuition of scholars in high schools or academies out of the state shall be entitled to share in the

96:8, laws 1901,  
as amended by  
100, laws 1909.

96:9, laws 1901,  
as enacted by  
100, laws 1909.

annual appropriation of the state for such tuition, and in the literary fund, so called, in the same manner as towns paying for the tuition of children attending a high school or academy in the state.

Contract with academy or other literary institution.

Any school district may contract with an academy, seminary, or other literary institution located within its limits or in its immediate vicinity, for furnishing instruction to its scholars; and the school money may be used to carry the contract into effect; *provided, however*, that the superintendent of public instruction shall have full power and authority to terminate such contracts whenever in his judgment the educational interests of the districts so require.

P. S. 89:11 as amended by chapter 137, laws of 1911.

Towns paying for tuition of scholars in high schools or academies out of the state shall be entitled to share in the annual appropriation of the state for such tuition, and in the literary fund, so called, in the same manner as towns paying for the tuition of children attending a high school or academy in the state.

96:9, laws 1901, as amended by 100, laws 1909.

The principal of each college, academy, seminary, or other institution of learning incorporated by the laws of this state, shall annually and before the first day of November of each year, forward to the New Hampshire Genealogical Society, for its library, one copy of each printed catalogue of its officers and students and courses of studies published during the year next preceding said date.

40, laws 1907.

XI.

NORMAL SCHOOLS.

*Plymouth.*

- Establishment.** The New Hampshire State Normal P. S. 95:1. School, as heretofore established and located, is continued. The instruction in the school shall be confined to such branches as will specially prepare the pupils to teach in the public schools, and to such other branches as are usually taught in normal schools. The school shall be in session at least twenty weeks in each year.
- Trustees.** The management of the school shall be vested in a board of trustees composed of the governor, the superintendent of public instruction, and five other persons who shall be appointed by the governor, with the advice of the council, and shall hold office for five years, one of whom shall be appointed each year. P. S. 95:2, as amended by 3, laws 1903.
- Officers of board of trustees.** The board shall choose from its members a president and secretary, and such committees and other officers as may be necessary to transact its business, and may choose a treasurer who is not a member of the board. They shall meet at least once each year and shall receive no compensation for services, but shall be paid their reasonable expenses while engaged in the performance of their duties. P. S. 95:3.
- Teachers.** They shall select and employ a principal teacher for the school, who shall be allowed, with their advice and consent, P. S. 95:4.

to select the assistants, and provide for the discipline of the school.

**Courses of study.** The trustees, with the principal, shall P. S. 95:5.  
arrange courses of study for the school.

**Examinations, admission and graduation.** The trustees and principal shall pre- P. S. 95:6.  
scribe and control the examinations for the admission and graduation of pupils, and they shall grant certificates of graduation to such as complete either course and pass the required examinations.

**Tuition free upon certain conditions.** Tuition and graduation shall be free P. S. 95:7.  
to all those completing either course of study who will agree to teach in the public schools of this state for a period equal to the length of such course. The trustees shall make such provisions as may be necessary to effect the purposes of this section.

**Support.** The sum of twenty-six thousand five Chapters 41-48,  
hundred dollars is annually appropriated laws 1918.  
for the maintenance of the school, to be expended as the trustees shall direct.

**Teachers at institutes.** The principal and teachers of the P. S. 95:9.  
State Normal School shall assist and give instruction at teachers' institutes, so far as they can without interfering with their duties in the normal school, but they shall receive no additional compensation, except for travel and other actual and necessary expenses while so employed.

**Duties of superintendent of public instruction in connection with school.** The superintendent of public instruc- P. S. 95:10.  
tion, in his annual report, shall state the condition of the school, the terms of admission and graduation, the times of the commencement and close of the sessions, and shall cause the same to be printed on the cover of the school register.

*Keene.*

Establishment  
Keene Normal  
School.

On or before May 1, 1909, the gov- 157:1, laws 1909.  
ernor and council and the board of trus-  
tees of the State Normal School shall  
organize as a joint board for the location  
and establishment of a normal school in  
Keene.

Said board is hereby authorized to 157:2, laws 1909.  
receive aid in money, property or other  
valuable effects, for the benefit of said  
school from any and all individuals or  
municipal or other corporations. Said  
board is authorized to purchase or acquire  
such lands as it may deem best, con-  
sistent with the amount or means appro-  
priated or otherwise obtained for such  
purposes. And in the purchase or acqui-  
sition of lands and the buildings thereon,  
if any, said board is authorized and di-  
rected to procure a good and suitable  
deed of conveyance in the name of the  
state and a proper instrument of sale of  
all such library, school furniture and ap-  
paratus therein as may be acquired.

Contract with city  
of Keene.

No money shall be expended under the 157:3, laws 1909.  
provisions of this act until the union  
school district in said city shall have  
agreed in writing through its duly au-  
thorized officials with the duly authorized  
officials acting for the state, to co-operate  
with said school in the maintenance of  
model and practice schools, for a term  
of years, in such manner as shall meet  
with the approval of said trustees, and  
said district is hereby authorized to enter  
into such contract.



Appropriation for establishment. A sum not to exceed ten thousand 157:4, laws 1909.

dollars (\$10,000) is hereby appropriated for the purposes of sections 1 and 2 of this act and the governor is hereby authorized to draw his warrant for all or any part of said amount upon any moneys in the treasury not otherwise appropriated, said sum to be used in connection with any other money or moneys that may be secured from any other source for the aforementioned purposes.

Government. Said school when established shall be 157:5, laws 1909.

under the direction of the board of trustees of the state normal school now established, and said board shall be styled The Board of Trustees of the New Hampshire Normal Schools. All provisions of chapter 95 of the Public Statutes and the amendments thereto, not inconsistent herewith, relating to the organization, government and maintenance of the normal school mentioned therein and all the duties imposed or prescribed thereby for the trustees, teachers or pupils and the superintendent of public instruction shall apply to and be observed in the organization, government and maintenance of the normal school established under this act.

Contracts with towns other than Plymouth or Keene. The Board of Trustees of the New 157:6, laws 1909.

Hampshire Normal Schools is hereby authorized to contract with any city or town in the vicinity of either of the normal schools for the maintenance of practice schools therein in connection with said normal schools and may provide for the payment of such portion of the compensation of the supervising teachers

employed in said practice schools as they may deem just and equitable.

Any city or town is hereby authorized to enter into such contract as is provided by either section 3 or section 6 of this act; also any city or town is authorized to make such gifts as it may determine for the establishment or maintenance of said school. 157:7, laws 1909.

**Maintenance.**

[The sums of nineteen thousand dollars (\$19,000) and twenty-one thousand dollars (\$21,000) were appropriated for the years 1913-14 and 1914-15, respectively.] Chapters 41 and 43, laws of 1913.

**XII.**

**SCHOLARS.**

**None shall attend without consent of board.**

No person shall attend school, or send a scholar to the school, in any district of which he is not an inhabitant, without the consent of the district or of the school board. P. S. 93:1.

**Vaccination.**

No child shall attend any public, parochial, or private school unless he has been vaccinated or has had the smallpox, and this section shall be enforced by the board of health, except in the case of a child who has submitted to the process of vaccination not less than three times, or who holds the certificate of the local board of health that he is an unfit subject for vaccination. Said board of health shall issue such certificate upon the advice of a registered physician approved by said board of health. P. S. 93:2, as amended by 19, laws 1901, and 90, laws 1909.

**Infectious diseases.**

No parent or guardian, person or persons having the custody of any child, 16:7, laws 1901.

shall permit such child, if infected with any communicable disease, or has been exposed to such, to attend any public or private school.

Penalty.

Any person who knowingly violates 16:9, laws 1901. any provision of this chapter, or any regulation established by authority of this chapter, shall be punished by a fine of ten dollars for each offense.

Dismissal for misconduct.

Any scholar may be dismissed from P. S. 93:3. school by the school board for gross misconduct, or for neglect or refusal to conform to the reasonable rules of the school; and he shall not attend the school until restored by the school board.

Scholars shall attend where assigned.

No scholar who shall have been as P. S. 93:4. signed to a particular school by the school board shall attend any other school in the district until assigned thereto.

Penalty.

If any scholar, after notice, shall at- P. S. 93:5. tend or visit a school which he has no right to attend, or shall interrupt or disturb the same, he shall be fined for the first offense five dollars, and for any subsequent offense ten dollars, or be imprisoned not exceeding thirty days.

District by-laws concerning truants.

Districts may make by-laws, not re- P. S. 93:6. pugnant to law, concerning habitual truants and children between the ages of six and sixteen years not attending school and not having a regular and lawful occupation, and to compel the attendance of such children at school, and may annex penalties for the breach thereof not exceeding ten dollars for each offense.

[The department will furnish an article drawn by the attorney-general for insertion in the school warrant upon application.]

Persons having custody of children must cause them to attend school.

Every person having the custody and control of a child between the ages of eight and fourteen years, or of a child under the age of sixteen years, unless such child shall have completed the course of study prescribed for the elementary schools, residing in a school district in which a public school is annually taught, shall cause such child to attend the public school all the time such school is in session, unless the child shall be excused by the school board of the district because his physical or mental condition is such as to prevent his attendance at school for the period required, or because he was instructed in the English language in a private school approved by the school board for a number of weeks equal to that in which the public schools were in session in the common English branches, or, having acquired those branches, in other more advanced studies. Any person who does not comply with the requirements of this section shall be fined ten dollars for the first offense and twenty dollars for every subsequent offense, for the use of the district; *provided, however*, that any person having the custody and control of a child may apply to the state superintendent of public instruction for relief whenever such person deems it to be against the moral or physical welfare of such child to attend the particular school required by law, and thereupon,

P. S. 93:14, as amended by 61, laws 1901, 13, laws 1908, 139, laws of 1911, and 221, laws of 1913.

after notice to the school board of the district in which such child is required to attend school, the state superintendent of public instruction may order such child to attend another school in the same district if such school is available; may order such child to attend school in another district, in which case the district in which such child resides shall pay to the district in which such child attends school tuition not to exceed the average cost per child of instruction for the regularly employed teachers and the cost of text-books, supplies and apparatus for such time as such attendance shall continue; may permit such child to withdraw from school attendance for such time as he may deem necessary or proper; or make such other order or orders with respect to the attendance of such child at school as in his judgment the circumstances require.

Copies of law to be sent to offenders.

The school board of every district shall cause a copy of the two preceding sections to be sent to every person who they have reason to believe does not comply with the requirements of section 1 of this chapter. P. S. 93:16.

Penalty for interrupting school.

Any person, not a scholar, who shall wilfully interrupt or disturb any school shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days. P. S. 93:17.

School board must prosecute offenders.

It shall be the duty of the school board to prosecute offenders for violations of the provisions of this chapter. If they neglect to perform this duty they shall forfeit twenty dollars for each neglect, P. S. 93:18.

for the use of the district, to be recovered in the name of the district by the selectmen of the town. All necessary expenses incurred in such proceedings shall be paid by the district.

Limitation of prosecution.

No prosecution under this chapter shall be sustained unless begun within one year after the offense is committed. P. S. 93:19.

Private schools must be approved.

No certificate as provided in the foregoing sections shall be issued for attendance at any private school, unless such school shall have previously been approved by the school board of the district in which it is situated as furnishing instruction in the English language in all the studies required by law equal to that given in the public schools of said district, and unless the record of attendance shall be kept in the form required of the public schools, and be open to the inspection of the school board of the district at all times. P. S. 93:20, enacted by 62, laws 1895.

Evening schools.

Upon petition of five per cent. of the legal voters of any city or town having more than five thousand inhabitants, according to the latest United States census, said city or town shall establish and maintain, in addition to the schools required by law to be maintained therein, evening schools for the instruction of persons over fourteen years of age in such branches of learning and art as the school board shall deem expedient. 112:1, laws 1901.

Prohibited employment.

No child under the age of fourteen shall be employed, or permitted or suffered to work, in, about, or in connection with, any mill, factory, workshop, quarry, mercantile establishment, tene- 162:1, laws of 1911, amended 224:1, laws of 1913.

ment house manufactory or workshop, store, business office, telegraph or telephone office, restaurant, bakery, hotel, barbershop, apartment house, bootblack stand or parlor, or in the distribution or transmission of merchandise or messages.

No child under the age of sixteen shall be employed, or permitted or suffered to work, in any establishment named in above section during the time in which the public schools are in session in the district in which he resides, unless he can read understandingly and write legibly simple sentences in the English language; *provided, however,* that if any child shall have reached the age of fourteen and shall have attended an English-taught school regularly for not less than three years and shall then be deemed by the superintendent of schools, or other person authorized to grant employment certificates, to be mentally incapable of learning to read and write legibly the English language in the regular schools, the case may be referred to the state superintendent of public instruction, who after investigation either by himself or by his agent, may issue a permit authorizing the employment of such child even though such child may be unable to read understandingly and write legibly simple sentences in the English language.

Whenever requested by the superintendent of public instruction, the State Board of Health shall cause to be made an inspection of any factory or other

162:2, laws of  
1911.

162:3, laws of  
1911.

place in which children under the age of sixteen are employed, and may require the discharge of any child or children found employed therein who by reason of physical condition, of unsanitary conditions of employment, or of development below the normal development of children of that age, cannot in their judgment continue to be employed without undue risk to health.

No boy under ten and no girl under sixteen years of age shall sell or expose or offer for sale newspapers, magazines, periodicals or other merchandise in any street or public place. No child shall work as a bootblack in any street or public place unless he is over ten years of age. 162:4, laws of 1911.

**Hours of labor.** No person under the age of eighteen years shall be employed or permitted to work as a messenger for a telegraph, telephone, or messenger company in the distribution, transmission, or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day. 162:5, laws of 1911.

No boy under the age of sixteen years, and no girl under the age of eighteen years, shall be employed, or permitted or suffered to work, at any gainful occupation, other than domestic service or work on a farm, more than fifty-eight hours in any one week, nor more than eleven hours in any one day; nor before the hour of half past six o'clock in the morning, nor after the hour of seven o'clock in the evening,—except that minors sixteen years of age or over may 162:6, laws of 1911, amended 224:6, laws of 1913.



work in retail stores and telephone exchanges until ten o'clock in the evening. And boys fourteen years or over may deliver newspaper routes after five o'clock in the morning, and boys twelve years old or over may deliver newspaper routes between four and eight o'clock in the ~~morning.~~ *evening*

Certificates.

No child under sixteen years of age shall be employed, or permitted or suffered to work, in, about, or in connection with, any place or establishment named in section 1, unless the person, firm, or corporation employing such child, procures and keeps on file, and accessible to any truant officer, or other authorized inspector, an employment certificate as hereinafter prescribed. 162:7, laws of 1911.

On the termination of the employment of a child whose employment certificate is on file, such certificate shall be kept by the employer and surrendered to any authorized inspector on demand. 162:8, laws of 1911.

An employment certificate shall be issued only by the superintendent of schools, or where there is no superintendent, by a person authorized by the school board, *provided, however,* that no person authorized as aforesaid shall have authority to issue such certificate for any child then in or about to enter such person's own employment, or the employment of a firm or corporation of which he is a member, officer or employee: in the city of Manchester the provisions of chapter 205 of the Session Laws of 1905 shall remain in force, but the person 162:9, laws of 1911.

appointed under such provisions shall be subject to the terms of this act.

The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved and filed the following papers duly executed:

(1) The school record of such child properly filled out and signed, as provided in this act.

(2) A passport or duly attested transcript of the certificate of birth or baptism or public record, showing the date and place of birth of such child.

(3) A certificate from a medical officer of the local board of health, or from a physician designated by the school board, certifying that the child has reached the normal development of a child of his age, and that he is in sufficiently sound health and physically able to perform the work which he intends to do.

No employment certificate shall be issued until the child in question has personally appeared before and been examined by the person issuing the certificate.

Every such employment certificate shall state the name, sex, and date and place of birth, of the child, shall describe the color of hair and eyes, the height and weight and any distinguishing facial marks of such child; that all papers required by the preceding sections have been duly examined, approved and filed; that the child named in the certificate has appeared before the person

signing the same and been examined; and that such child has been found to be able to read understandingly and write legibly simple sentences in the English language. Every such certificate shall be signed, in the presence of the person issuing the same, by the child in whose name it is issued, and shall show the date of its issue.

The school record required by this act shall be signed by the principal or chief executive officer of the school which the child has attended, and shall be furnished on demand to a child entitled thereto. <sup>162:13, laws of 1911.</sup>

Such record shall certify that the child has regularly attended the public schools, or private schools lawfully approved as such, for not less than three hundred half-days, as shown by the school register, during the year previous to his arriving at the age of fourteen, or during the year previous to applying for such school record, and that he is able to read understandingly and write legibly simple sentences in the English language. Such school record shall also give the date of birth and residence of the child as shown on the records of the school and the name of his parent, guardian or custodian.

The superintendent of schools or other person authorized to issue employment certificates shall keep a record of the same in a book. Such record shall contain a list of the names of all children to whom certificates are granted, numbered consecutively, together with the <sup>162:14, laws of 1911.</sup>

date of issue and the signature of the officer issuing the certificate, and such books shall be carefully preserved.

All blank forms for records used in the enforcement and administration of this act shall be uniform throughout the state, shall be prescribed by the superintendent of public instruction, and shall be furnished by the state, and methods of keeping the same shall be approved by him as being within the contemplation of this act. 162:15 laws of 1911.

#### Enforcement.

The truant officer of each school district shall visit, inspect, and cause to be enforced the provisions of this act in his district, and for this purpose shall have power to serve warrants. 162:16, laws of 1911.

The superintendent of public instruction shall appoint not exceeding three state inspectors, who shall be paid their necessary expenses and such compensation as the governor and council shall determine, not exceeding \$1,200 per annum each, and who shall devote their whole time to their work. 162:17, laws of 1911.

The state inspectors, under the direction of the superintendent of public instruction, shall inspect all factories and other places of employment within the contemplation of this act and all records and methods of enforcement. They shall have the same power as to enforcement and the serving of warrants as the several truant officers.

The superintendent of public instruction, with the approval of the attorney-general, may employ counsel, and provide legal assistance, wherever the same may,

in his opinion, be necessary for the enforcement of the provisions of this act, and the cost thereof shall be a charge upon the appropriation hereinafter provided.

The superintendent of public instruction shall frequently report to the chairman of the several school boards the relative efficiency of the several truant officers. 162:18, laws of 1911.

The governor with the advice and consent of the council may require school boards to appoint additional truant officers if in their judgment such additional officers are necessary.

The governor with the advice and consent of the council may require the school board of any school district to remove any truant officer found by them to be incompetent, and to appoint a competent successor, and upon the failure or neglect of the school board to do so, they may appoint such truant officer and fix his compensation, and such compensation shall be paid by the district.

Children apparently under sixteen.

An inspector or truant officer shall make demand upon any employer in or about whose place or establishment a child apparently under the age of sixteen years is employed, or permitted or suffered to work, and whose employment certificate is not filed as required by this act, that such employer shall either furnish him within ten days satisfactory evidence that such child is in fact over sixteen years of age, or shall cease to employ, or permit, or suffer such child to work, in such place or establishment. 162:19, laws of 1911.

The inspector shall require from such employer the same evidence of age, of such child as is required in the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child.

Penalties.

Whoever employs any child, and who-<sup>162:20, laws of 1911.</sup> ever, having under his control as parent, guardian or otherwise, any child, permits or suffers such child to be employed or to work in violation of any of the provisions of this act, shall be fined not less than five nor more than two hundred dollars, or be imprisoned for not less than ten nor more than thirty days, or both, in the discretion of the court.

Whoever continues to employ any child<sup>162:21, laws of 1911.</sup> in violation of any of the provisions of this act, after being notified thereof by an inspector, or truant officer, shall for every day thereafter that such employment continues, be fined not less than five nor more than twenty dollars.

Any person authorized to sign any<sup>162:22, laws of 1911.</sup> certificate or paper called for by this act, who certifies to any materially false statement therein, shall be fined not less than five nor more than two hundred dollars, or be imprisoned for not less than five nor more than thirty days, or both, in the discretion of the court.

Refusal by an employer to produce<sup>162:23, laws of 1911.</sup> any employment certificate required by this act shall be *prima facie* evidence of the illegal employment of any child whose employment certificate is not produced.

Any superintendent of schools or other person issuing employment certificates, who fails to comply with the provisions of this act shall be fined not less than five nor more than twenty-five dollars. 162:24, laws of 1911.

The sum of six thousand five hundred dollars annually is appropriated for the purposes of this act. 162:25, laws of 1911.

## XVI.

### HEALTH AND SANITATION.

#### Medical inspection.

Whenever any city, union, special, or town school district shall adopt the provisions of this act the said provisions shall be in force in such school district as hereinafter provided. 83:1, laws of 1913.

The school board of the city or town, in which such school district is located, shall appoint one or more school physicians of not less than five years' experience, shall assign one to each public and each private school within such school district, and shall provide them with all proper facilities for the performance of their duties as prescribed in this act. 83:2, laws of 1913.

Every school physician shall in the presence of the teacher at least once a year, previous notice having been given, make such an examination of every pupil, excepting such as are hereinafter exempted, and of every teacher, janitor, and other employees, of the schools committed to his charge, and of the school buildings, yards and surroundings thereof as the protection of the health of the pupils may require. He shall report the 83:3, laws of 1913.

results of his examination to the school board, who shall record the same, and they shall forthwith take such action thereon as in their judgment the public health or the health of the pupils demands.

Every child who shows signs of being in ill health or of suffering from a communicable disease, shall be referred by the teacher to the parents or guardian of such child for examination and diagnosis by some regularly registered physician and if said parents fail or neglect to have such child so examined, and produce a certificate from such physician within two days, then such child shall be examined by said school physician. <sup>83:4, laws of 1913.</sup>

The school physician shall cause notice of the disease or defects, if any, from which any child is found to be suffering to be sent to his parent or guardian. Whenever a child shows symptoms of smallpox, tuberculosis, diphtheria, influenza, tonsilitis, whooping cough, mumps, scabies, or trachoma, or other communicable disease, he shall be sent home immediately, or as soon as safe and proper conveyance can be found. <sup>83:5, laws of 1913.</sup>

The school physician shall cause every child in the public schools to be carefully tested and examined in the presence of the teacher at least once in every school year to ascertain whether he is suffering from defective sight or hearing or from any other disability or defect tending to prevent his receiving the full benefit of his school work, or requiring a modification of the school work in <sup>83:6, laws of 1913.</sup>



order to prevent injury to the child or to secure the best educational results. The tests of sight and hearing, shall be made by the teacher under the direction of the school physician. The physician shall cause notice of any defect or disability requiring treatment to be sent to the parent or guardian of the child and shall require a physical record of each child to be kept in such form as the state superintendent of public instruction shall prescribe.

The state board of health shall prescribe the directions for tests of sight and hearing, and the superintendent of public instruction shall, in co-operation with the state board of health, prescribe instruction, test cards, blanks, record books, and other useful appliances for carrying out the purposes of this act, and shall provide for students in the normal schools instruction and practice in the best methods of testing the sight and hearing of children. <sup>83:7, laws of 1913.</sup>

Any parent or guardian may pro- test in writing to the teacher against the examination of his or her child or ward, and such pupil shall thereafter be exempt from any examination for or on account of any non-contagious disease or defect. <sup>83:8, laws of 1913.</sup>

The district may raise money for carrying into effect the provisions of this act. <sup>83:9, laws of 1913.</sup>

All acts and parts of acts inconsistent with the foregoing are hereby repealed, and this act shall take effect upon its passage. <sup>83:10, laws of 1913.</sup>

**Tuberculosis.**

The state board of health is authorized and instructed to prepare, or cause to be prepared, such bulletin or bulletins on the cause, restriction and prevention of tuberculosis, embodying such facts, suggestions and regulations as in its judgment shall best instruct the public in methods of prevention and restriction, including the proper sanitary management of said disease. 17:1, laws of 1913.

It shall be the duty of the board of education of every school district in the state to furnish each teacher of a public school a sufficient number of copies of each bulletin, whenever issued, as to enable the said teacher, whose duty it shall be to distribute one copy to each family represented in said school district. 17:2, laws of 1913.

The board of education shall ascertain, approximately, the number of copies of said bulletin that may be required under the provisions of the foregoing section and shall report the same to the state board of health within thirty days after request is made for same by said state board of health. 17:3, laws of 1913.

The state board of health shall, as soon as practicable after ascertaining the number of copies of said bulletin that will be required for the distribution herein provided for, cause to be printed and forwarded to each board of education a sufficient number of copies to meet the requirements of section 2 of this act, and such additional number of copies as in the judgment of 17:4, laws of 1913.

the said board may be otherwise profitably distributed.

This act shall take effect and be in force on and after May 1, 1913. <sup>17:5, laws of 1918.</sup>

[Vaccination, *see* chapter XIII on Scholars.]

Contagious diseases.

No parent, guardian, person, or persons <sup>16:7, laws of 1901.</sup> having the custody of any child, shall permit such child, if infected with any communicable disease, or has been exposed to such, to attend any public or private school.

Any person who knowingly violates <sup>16:9, laws of 1901.</sup> any provision of this chapter, or any regulation established by authority of this chapter, shall be punished by a fine of ten dollars for each offense.

## XVII.

### OTHER STATUTES RELATING TO PARENTS AND CHILDREN.

State aid, indigent deaf, dumb and blind.

The sum of sixteen thousand dollars <sup>P. S. 86:1, as amended 1918.</sup> is appropriated for each of the fiscal years 1913 and 1914 for the support and education of deaf and dumb and blind persons of the state.

Upon the recommendation of the State <sup>P. S. 86:2.</sup> Board of Charities and Correction assistance shall be furnished to such persons, in such amounts, and at such asylums, schools or other institutions designed for the purpose, as the governor and council shall direct.

The furnishing of such assistance shall <sup>P. S. 86:3.</sup> not affect the settlement of any person nor his right to vote.

## CRUELTY, ETC.

Offenses against minors.

If any parent or other person having custody of a minor child under the age of fourteen years shall cruelly abandon, or shall treat with gross and habitual cruelty, or shall neglect in such manner as to amount to cruelty, such child, he shall be imprisoned not exceeding one year, or be fined not exceeding one hundred dollars, or both. P. S. 265:1.

Minors not admitted to drinking saloons.

No minor under the age of eighteen years shall be admitted at any time to, or permitted to remain in, a saloon or place of entertainment where spirituous or intoxicating liquors are sold, exchanged, or given away, or at places of amusement known as dance-houses and concert-saloons or any licensed billiard or pool room, unless accompanied by parent or guardian. If a proprietor, keeper, or manager of any such place shall violate any provision of this section, he shall be fined not exceeding twenty dollars. P. S. 265:2.

Children under fourteen not to be employed in public exhibition.

If any person shall employ or exhibit a child under the age of fourteen years in dancing, playing on musical instruments, singing, walking on a wire or rope, or riding or performing as a gymnast, contortionist, or acrobat in any circus or theatrical exhibition, or in any public place whatsoever, or shall cause, procure, or encourage any such child to engage therein, or if any person having the custody or control of any such child shall permit him to be so employed, such person shall be fined not exceeding one P. S. 265:3.

hundred dollars; but nothing in this section shall be construed to prevent the education of children in vocal and instrumental music, or their employment as musicians in any church, chapel, or school, or school exhibition, or to prevent their taking part in any concert or musical exhibition.

**Sale of toy pistols prohibited.** If any person shall have in his P. S. 265:4.

possession a toy pistol, toy revolver, or other toy firearms, for the explosion of percussion caps or blank cartridges, with intent to sell the same, or shall sell, or offer to sell or to give away the same, he shall be fined not more than fifty dollars; and he shall be liable for all damages resulting from the use of the toy pistol, revolver, or other firearms by him sold or given away, to be recovered in an action on the case.

**Sale of cigarettes and tobacco prohibited.** If any person shall sell cigarettes or P. S. 265:5.

tobacco in any other form to a minor, he shall be fined not more than fifty dollars for each offense.

(1895, Ch. 7, Sect. 1. If any person other than the minor's parent or guardian shall give or deliver any cigarette, snuff, or tobacco in any of its forms, to any minor under eighteen years of age, he shall be fined not more than fifty dollars for each offense.)

#### OBSCENE LITERATURE.

**Selling obscene literature prohibited.** No person shall print or publish, P. S. 265:6.  
or sell, lend, give, or show to any other person any obscene book, pamphlet, magazine, newspaper, print, or picture, or

any printed paper devoted to the publication or illustration of stories or accounts of bloodshed, lust, or crime, or principally made up of police reports and criminal news, and no person shall circulate, display, or post any advertisement of any such literature or pictures, or cause it to be done.

Employing minor children for that purpose.

No person shall in any manner hire, P. S. 265:7. employ, or use any minor to sell, or give away, or in any manner to distribute any such literature, picture, or advertisement.

Permitting minor child to be employed.

No person having the care or control of a minor child shall permit such child to sell or give away any such reading matter or any such advertisement. P. S. 265:8.

Penalty.

If any person shall violate any of P. S. 265:9. the provisions of the three preceding sections, he shall be fined not more than one hundred dollars, or be imprisoned not more than six months, or both.

Minor children mentally or physically incompetent.

No minor between the ages of three 116, laws of 1895. and fifteen years shall be supported at any county almshouse in this state for more than sixty days, unless the consent of the Board of Charities shall have been obtained, excepting such as are under serious physical disability or are mentally incapacitated for education, or are under sentence for crime; and it shall be the duty of the commissioners of the various counties to find suitable homes for such minor children within said period of sixty days. On and after the expiration of said sixty days, if suitable homes have not been provided said minors, other

than said county almshouse, the State Board of Charities shall have full control over said minor children, and shall be charged with the duty of procuring permanent homes for said minors, as a board or through such agent as said board may appoint, whenever it shall appear to them that the welfare of the minor will be promoted thereby, at the expense of the county to which said minor is chargeable, the compensation to be the same as is allowed the county commissioners.

Minor children to be supported. It shall be the duty of the over-91:2, laws  
seers of the poor of towns and cities of 1897.

liable for the support of such minors, and of the county commissioners of counties liable for such support, to procure such minors supported at some orphan asylum or home or with some private family or families of good repute.

Homes to be found for such children. It shall be the duty of overseers 91:3, laws  
of the poor and county commission- of 1897.

ers, as soon as practicable, to find permanent homes for all such orphan minors, and make contracts for their education and support during minority, and all such contracts shall be subject to rescission by the State Board of Charities, whenever the interest of such minors shall make it necessary, and said Board of Charities shall have the same authority, in respect to the control of all children for whom they provide permanent homes, as is now vested in overseers of the poor and county commissioners.

The overseers of the poor in any 61:1, laws  
town, or the county commissioners of of 1893.

any county, may send to the New Hampshire Orphans' Home, or to any orphans' home in this state, or other institution devoted to or suitable for the care, protection and education of children, upon such terms as may be agreed upon, all children residing in their respective towns or counties who are not employed in some lawful business, and whose parents are unable or neglect to maintain them; but, in the selection of such home or institution, said overseers and commissioners shall give the preference to that home or institution that is conducted by or under the auspices of the church or religious denomination of which that child or the child's parents are members; and said home or institution shall thereupon have the same authority in respect to such children as is now vested in overseers of the poor and county commissioners.

**Minor children  
mentally or  
physically in-  
competent.**

That as used in this act the word <sup>71:1, laws</sup> children shall be limited to mean <sup>of 1907.</sup> children under sixteen years of age and also such children over sixteen years of age and under twenty-one years as by reason of physical or mental infirmity are incapable of supporting themselves; and further that separation within the meaning of this act shall include, in addition to the cases embraced within the usual meaning of the word, every case where a husband has caused his wife to leave him by conduct on his part which would be ground for divorce and also every case where by extreme cruelty or other conduct it becomes improper for children to remain with their father and



have for this reason become separated from him.

**Penalty for desertion by husband or father.** If any husband or father being 71:2, laws within the limits of this state shall of 1907.

hereafter separate himself from his wife or from his children or from his wife and children without reasonable cause and shall wilfully neglect to maintain his children, and his wife when such wife is destitute or dependent wholly or in part on her earnings for adequate support he shall be guilty of a misdemeanor, and on conviction thereof be sentenced to jail or the house of correction for a period of not more than six months and to pay a fine not exceeding twenty dollars or either or both at the discretion of the court; such fine if any to be paid or applied in whole or in part to the deserted wife or children as the court may direct. *Provided* no such conviction, payment of fine or undergoing imprisonment shall in any manner affect the obligation of any order for support theretofore made against the defendant: and *provided further* that upon conviction the court may suspend sentence upon and during compliance by the defendant with any order for support theretofore made against him as already made or as may theretofore have been modified in the manner now provided by law: and if no such order shall have been made then the court trying the defendant may make such order for the support by the defendant of his wife and children or either of them which order shall be subject to modification by the court on cause

shown and the court may suspend sentence upon and during compliance by the defendant with such order as originally made or as subsequently modified by the court.

Penalty for desertion by wife or mother.

If any woman or mother shall separate herself as the term is defined in section 1 of this act from her husband without cause, or from her children, she shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to the county jail or the house of correction for a term not exceeding six months and to pay a fine not exceeding twenty dollars or either or both as the court may determine, the fine if any to be applied in the discretion of the court to the benefit of the deserted husband or children or both. 71:3, laws of 1907.\*

Treatment and control of dependent, neglected and delinquent children.

This act shall apply only to children under the age of seventeen years. For the purpose of this act the words dependent child shall mean any child who for any reason is destitute, or homeless or abandoned; and dependent upon the public for support, or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame or with any vicious or disreputable persons, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardians or other person in whose care it may be, is an unfit place for such child. The words delinquent child shall include any child under the age of seventeen years who violates any law of this state or any city or town. 125:1, laws of 1907.

ordinance, or who is incorrigible, or who knowingly associates with vicious or immoral persons, or is growing up in idleness or crime; or who knowingly patronizes any place where gambling is carried on or frequents a house of ill-fame. The word association shall include any corporation which includes in its purpose the care or disposition of children coming within the meaning of this act.

Police and justice courts shall have <sup>125:2, laws</sup> original jurisdiction in all cases coming <sup>of 1907.</sup> within the terms of this act.

Courts shall designate suitable times <sup>125:3, laws</sup> for the hearing of cases of juvenile <sup>of 1907.</sup> offenders, and dependent or delinquent children, which shall be called the session for children, for which a separate docket shall be kept. Said session shall be separate from that for the trial of criminal cases, and as far as practicable shall be held in rooms not used for such trials. No minor shall be allowed to be present at any such hearing unless his presence is necessary, either as a party or witness, or, in the opinion of the court, in the interests of justice. It shall be unlawful for any newspaper to publish any of the proceedings of any juvenile court.

Any reputable person having knowl- <sup>125:4, laws</sup> edge of a child who appears to be <sup>of 1907.</sup> either dependent or delinquent, may file with the clerk of the court a petition in writing setting forth the facts, verified by affidavit.

Upon the filing of the petition <sup>125:5, laws</sup> a summons or notice shall issue <sup>of 1907.</sup> re.

quiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons or notice, which time shall not be less than twenty-four hours after service. The parents of the child, if living, and their residence is known, or its legal guardian if one there be, or if there is neither parent nor guardian, or if his or her residence is not known, then some relative if there be one, and his residence is known, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child. If the person summoned, as herein provided, shall fail without reasonable cause to appear and abide the order of the court, or bring the child, he may be proceeded against as in case of contempt of court. In case a summons cannot be served or the party served fails to obey the same, and in any case where it shall be made to appear to the court that such summons or notice will be ineffectual, a warrant may issue on order of the court, either against the parent or guardian or the person having custody of the child or with whom the child may be or against the child itself. On the return of the summons or notice or other process or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of the case, the child may be retained in the possession of the person having charge of the same, or in the possession

of the probation officer hereinafter provided for, or may be kept in some suitable place provided by the city, county or state authorities.

The justice of each police court shall appoint one person to perform the duties of probation officer as hereinafter named under the jurisdiction of said court; and the justice of any other court may in his discretion, appoint a probation officer to act under the jurisdiction of such court. Each probation officer shall hold his office during the pleasure of the justice who makes the appointment. <sup>125:6, laws of 1907.</sup>

Such probation officer shall not be an active member of the regular police force, but shall in the execution of his official duties have all the powers of police officers. The records of any probation officer may at all times be inspected by the chief of police or city marshal of any town or city. <sup>125:7, laws of 1907.</sup>

Each probation officer shall inquire into the nature of every criminal case brought before the court under whose jurisdiction he acts, and may recommend that any person convicted by said court may be placed upon probation; the court may place any person so convicted in the care of said probation officer for such time and upon such conditions as may seem proper. <sup>125:8, laws of 1907.</sup>

Each person released upon probation as aforesaid shall be furnished by the probation officer with a written statement of the terms and conditions of his release; each probation officer shall <sup>125:9, laws of 1907.</sup>

keep full records of all cases investigated by him, of all cases placed in his care by the court and of any other duties performed by him under this act.

The clerk of each court, or the justice thereof if there is no clerk shall, when an appointment is made under this act, forthwith notify the State Board of Charities and Correction of the name of the officer so appointed. Each probation officer shall make a monthly report to the said board in such form as said board shall direct. <sup>125:10, laws of 1907.</sup>

The compensation of each probation officer shall be determined by the justice of the court under whose jurisdiction he acts and shall be paid by the city or town wherein said court is established. <sup>125:11, laws of 1907.</sup>

A probation officer, shall, at the request of any justice of the superior court, investigate the case of any person on trial in that court and make a report of the same to the justice, and may upon order of the court take on probation any person convicted in said court; the compensation for such services shall be paid from the treasury of the county upon vouchers approved by said justice. <sup>125:12, laws of 1907.</sup>

When any child under the age of seventeen years shall be found to be dependent or neglected within the meaning of this act, the court may make an order committing the child to the care of some reputable citizen of good moral character, or to the care of some association willing to receive it, embracing in its objects the purpose of caring or ob-

taining homes for dependent or neglected children. The court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment for special care or in a private hospital or institution which will receive it for like purpose without charge.

In any case where the court shall <sup>125:14, laws</sup> award a child to the care of any <sup>of 1907.</sup> association or individual in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home and may be made party to any proceedings for the legal adoption of the child, and may by its or his attorney or agent, appear in any court where such proceedings are pending and assent to such adoption, and such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. Such guardianship shall not include the guardianship of any estate of the child.

In the case of a delinquent child, <sup>125:15, laws</sup> the court may continue the hearing <sup>of 1907.</sup> from time to time, and may commit the child to the care or custody of a probation officer, and may allow said child to remain in its own home subject to the visitation of the probation officer; such child to report to the probation officer as often as may be required, and subject to be returned to the court for further

or other proceedings whenever such action may appear to be necessary; or the court may cause such child to be placed in a suitable family home, subject to the friendly supervision of a probation officer, and the further order of the court; or it may authorize the child to be boarded out in some suitable family home in case provision is made by voluntary contribution or otherwise made for payment of the board of such child until a suitable provision is made for the child in a home without payment. In case the court shall find that any child brought before it for hearing for violation of any of the laws of this state, ought to be subjected to punishment therefor under the laws of this state, the court may order the said child to furnish sufficient sureties for his appearance at the next term of the superior court to be holden in the county wherein said child may be arraigned, and in default thereof the child may be committed to the State Industrial School, there to be kept until his case shall be disposed of by said superior court.

No court shall commit a child under <sup>125:16, laws</sup> seventeen years of age to a jail or <sup>of 1907.</sup> police station, but if such child is unable to give bail, it may be committed to the care of a probation officer or kept in some suitable institution provided by the state, outside the enclosure of any jail or police station. No child shall be sentenced to confinement to any institution wherein adult convicts may be confined.



The court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith of the parents of the child. No child under the supervision of any state institution shall be denied the free exercise of the religion of his parents nor the liberty of worshipping God according to the religion of his parents whether living or dead. <sup>125:17, laws of 1907.</sup>

Nothing in this act shall be construed to repeal any portion of the criminal law of this state nor to in any manner abridge the powers of the superior court nor the right of appeal granted under law from orders and decrees of police and justice courts. <sup>125:18, laws of 1907.</sup>

This act shall be liberally construed to the end that its purpose may be carried out to wit: that the care, custody, and disposition of a child shall approximate as nearly as may be that which should be given by its parents, and in cases where it can properly be done, the child to be placed in an approved family home and become a member of the family by legal adoption or otherwise. <sup>125:19, laws of 1907.</sup>

Any officer who neglects to perform any of the duties required of him shall forfeit two hundred dollars for each offense. <sup>125:20, laws of 1907.</sup>

Committal of females to School for Feeble-Minded. Whenever it is made to appear upon application to the judge of probate for any county, and after a proper hearing, that any feeble-minded child or any <sup>47:5, laws of 1909.</sup>

feeble-minded female of child-bearing age resident within said county, and who is not already in any almshouse, the industrial school, or the New Hampshire hospital, or supported by any town or county, is a fit subject for the New Hampshire School for Feeble-Minded Children, such judge may commit such child or feeble-minded female to said New Hampshire School for Feeble-Minded Children by an order of commitment directed to the trustees thereof, accompanied by the certificate of two physicians who are graduates of some legally organized medical college and have practiced three years in this state that such feeble-minded female is a suitable subject for said institution. Whenever, upon such application, there is occasion for the judge of probate to attend a hearing on days other than those fixed by statute as the regular days for the sitting of the probate court he shall be allowed five dollars a day for his services and his expenses, which shall be paid by the county treasurer upon the certificate of the county commissioners.

Feeble-minded persons shall be admitted to the institution in the following order: First, feeble-minded children now in public institutions supported entirely at public expense; second, the feeble-minded children not supported as aforesaid; third, the feeble-minded children of the state not in any public institution, who have no parents, kinsmen, or guardian able to provide for them, or persons who are committed by a judge

ad-47:7, laws  
of 1909.

of probate; fourth, those residing within the state whose parents, kinsmen, or guardian bound by law to support such children are able to pay; fifth, children of other states whose parents or guardians are able and willing to pay.

Committal of  
minors to Indus-  
trial School.

Whenever a minor under the age <sup>155:14, laws</sup> of seventeen years, shall be convicted <sup>of 1911.</sup> of an offense punishable by imprisonment, otherwise than for life, and shall be sentenced accordingly, the court or justice, upon application of the minor, his friends or the state's attorney, may order that instead of such imprisonment, the minor may be sent to and be kept employed and instructed at the Industrial School for such term, not extending beyond the age of twenty-one years as the court or justice shall judge most for his true interest and benefit, *provided* he shall conduct himself according to the regulations of the school. A copy of such order shall be sufficient authority for his commitment and detention at the school.

Penalty for  
neglect or refusal  
to provide for  
legitimate or ille-  
gitimate minor  
children.

Any person who shall, without cause, <sup>57:1, laws</sup> desert or wilfully neglect or refuse to <sup>of 1913.</sup> provide for the support and maintenance of his wife in destitute or necessitous circumstances, or any person who shall without lawful excuse desert or wilfully neglect or refuse to provide for the support and maintenance of his or her legitimate or illegitimate minor child or children under the age of sixteen years in destitute or necessitous circumstances shall be guilty of a crime and

on conviction thereof shall be punished by fine not exceeding three hundred dollars (\$300) or imprisonment for a term not exceeding fifteen months, or both such fine and imprisonment in the discretion of the court.

Chapter 108 of the Session Laws of 57:2, laws 1905 is hereby repealed and this act shall of 1913. take effect upon its passage.

Commission to investigate matters relating to the welfare of dependent, defective and delinquent children.

That the governor and council be 72:1, laws hereby authorized to appoint three of 1913. suitable persons who shall investigate all matters relating to the welfare of the dependent, defective, and delinquent children of the state, especially the questions of orphanage, juvenile courts, detention homes, desertion, physical and mental degeneracy, infant mortality, accidents and diseases and make report, with recommendations concerning the above matters, to the legislature of 1915, said commission to serve without compensation except for necessary expenses, and the governor is hereby authorized to draw his warrant for such actual reasonable expenses of said commission.

This act shall take effect upon its 72:2, laws passage. of 1913.

Pension for destitute mothers and children.

It shall be the duty of the county 123:1, laws commissioners of each county to provide out of the moneys in the county treasury not otherwise appropriated an amount sufficient to meet the purposes of this law for the partial support of women, when such women are of good repute but poor and dependent on their own efforts

for support and are mothers of children under the age of sixteen years.

The allowance to each of such women shall not exceed ten dollars (\$10) a month when she has but one child under the age of sixteen years, and if she has more than one child under the age of sixteen years, it shall not exceed the sum of ten dollars (\$10) a month for the first child and five dollars (\$5) a month for each of the other children under the age of sixteen years.

Such allowance shall be made by the county commissioners upon the recommendation of the school board for the district in which such mother resides and only upon the following conditions: (1) the child or children for whose benefit the allowance is made must be living with the mother of such child or children; (2) the allowance shall be made only when in the absence of such allowance the mother would be required to work regularly away from her home and children, and when by means of such allowance she will be able to remain at home with her children; (3) the mother must, in the judgment of the school board, be a proper person, morally, physically and mentally, for the bringing up of her children; (4) such allowance shall in the judgment of the school board be necessary to save the child or children from neglect; (5) no person shall receive the benefit of this act who shall not have been a resident of the county in which such application is made for at least two

years next before the making of such application for such allowance.

Whenever any child shall reach the <sup>123:4, laws</sup> age of sixteen years an allowance <sup>of 1913.</sup> made to the mother of such child shall cease. The school board for the district in which the mother resides may recommend at any time before such child reaches the age of sixteen years that the allowance to any mother and for any child be discontinued or modified and the county commissioners, in their discretion, may thereupon discontinue or modify the same.

The provisions of this law shall not <sup>123:5, laws</sup> apply to any woman who is not de- <sup>of 1913.</sup> pendent on her own efforts for the support of herself and family and at the time of receiving such aid is not of good repute and making an earnest effort for self support.

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